

Executive Session of the Board of Selectmen held Monday, January 6, 1997 at 8:40 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch told the Board that **re the Villare matter**, the Board authorized him to settle for \$18,000 on December 16th. Mr. Villare made a verbal commitment but then backed off. The offer is now off the table and he is now working as a Police Officer in No. Reading. Our position is that he can't hold two positions. The actions we are looking at:

1. He can't work in two places - we had taken him back and placed him on administrative leave. Mr. Dalton asked how many times do they have to be recalled.
2. If he insists on coming back here it is our intention to hold a disciplinary hearing to remove him if the woman who filed the date rape charge will hold to it. The charges do have merit but if she won't hold to it we may have no choice but to bring him back.

Mr. Lynch then reported on the **Krikorian matter**, saying that he has filed a suit against the Town, the Police Dept. and Chief Armand Caron. He is claiming that he was harassed, libeled and effectively dismissed from his position. We have sent this suit to Town Counsel and our insurance carrier. Great American, our old carrier, uses Kopelman & Paige. Mr. Krikorian is on an unpaid leave of absence and we will fight the claim.

At 8:50 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, January 27, 1997 at 10:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch told the Board that another litigation matter has been settled by the insurance company - Edward Hilliard. They settled for \$25,000.

Re the Patrolmen's contract, it appears that we've settled - a 2 year contract ending June 30, 1997. Increases are 2% the first year and 2 and 2 split the second. Some educational changes will take place next year which would put us in line with the Quinn Bill. We went halfway on those changes.

Mr. Dalton asked about the former Veterans' Agent Kevin Cody and Mr. Lynch said he never filed.

At 10:15 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG- Aye; PVL-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, February 24, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Town Counsel John Giorgio from Kopelman & Paige (K&P). The subject of the meeting was an update on pending litigation.

Mr. Dalton asked Mr. Giorgio if he could have spoken on the Fire Dept. matter during Open Session and Mr. Giorgio told him yes.

Mr. Giorgio told the Board that he had provided them with a written status report on January 21, and not much has changed since then. He said that a number of the tort claims and civil rights cases are being handled by the insurance companies.

On Case #5, Country Club Estates, he said that Attorney Pat Costello of his office is in touch with George McLaughlin and he is sending us a settlement proposal. They are estimating to go to trial in mid-summer but we will settle - there is not that big a difference in evaluations of the property, maybe \$200,000.

Mr. Lawlor noted that Mr. Giorgio had told the Board that in these cases they usually ask something from the plaintiff. Mr. Lynch said if we can settle for \$50 - \$100,000 we're ahead of the game.

Mr. Giorgio told the Board that the Town of Chatham took a golf course from the Chatham Bars Inn. The Town paid \$8 mil and the case went to trial and the jury awarded \$12 mil. He said it is always a risk going to a jury trial, and he will keep Mr. Lynch posted on this matter.

Case #20 - North Commercial Inc. vs. Planning Board - this is denial of an ANR endorsement and he believes the court ruled against the Planning Board on summary judgment.

Mr. Lawlor said that historically 40% of the Town's cases have been land use cases, and asked is K & P doing anything. Mr. Giorgio said that Judy Cutler met with the Planning Board, and Mr. Lynch added that in most land use cases it is challenging the Planning Board's granting of site plans or sub-divisions and we don't get hit with a large cost - we leave it up to the developer to defend.

Mr. Giorgio said that K & P send out bulletins to all Towns advising of any changes in the law. We met with the Planning Board and asked them to remand their decision. They were very receptive to K & P advice.

Mr. Giorgio said that the level of litigation for the Town has gone down and new reports will show all the cases that have been closed.

On case #6 - the Donovan case - the insurance company won't settle.

On #13 - Keenan - the plaintiff's attorney is trying to withdraw and there has been a reconciliation meeting.

On #14 - Krikorian vs. Police Chief - we need to check with the insurance company

to see if they cover him. Mr. Lynch and Mr. Giorgio will look into this, and if not the Chief may need separate counsel. Mr. Giorgio asked that the Town send any reservation of rights letters to K & P, because the Town gets the right to pick counsel.

Mr. Giorgio said that in the matter of George Kalos and his violation of the Historic District Commission rules - if he doesn't remove the sign we will have to go to court to get an injunction and Ms. Gates asked him to please proceed.

Mr. Dalton asked about the Varney Playground matter and Mr. Lynch told him that Jean McKnight is working on that. George Dixon has proposed to build a structure in the back of the parking lot but Ms. McKnight has advised that it can't be done. We are waiting for a decision in writing.

It was noted that 3 cases on the litigation summary have been settled - #1, Biederbeck; #11, Harrington and #12, Hilliard.

Mr. Lynch said that K & P has drawn up a license agreement with the Lighthouse School and Attorney Joseph Shanahan is reviewing the draft. Mr. Lynch said that Tom Gonsalves is building the school and will then turn it over to Lighthouse. They won't negotiate any part of the property until it is signed, sealed and delivered.

At 9:15 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, February 10, 1997 at 9:40 p.m. Members present were Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present. The purpose was to discuss collective bargaining, litigation and real property.

Mr. Lynch told the Board that the Police Chief's contract expired January 31, 1997. He has decided to stay on for 2 more years, the end of January, 1999. He has 34 years of service with the Town and has done a great job of re-building the department. His salary is now \$75,000, which is below average for a Police Chief. We will give him a longevity payment for his time here - 7 1/2% for each year over 30. Mr. Lynch said he doesn't want to set the base salary for the Police Chief too high. He will now get 81,000+. He couldn't use all his vacation time during the past 3 years and has 44 days as of Dec. 31, 1996. We will pay him one day at a time.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the 2-year contract for Chief Armand Caron as outlined by Mr. Lynch. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

Mr. Lynch added that Chief Caron gave up his patrolman's benefit of 12% longevity when he became Chief and he's not at a point where he needs to work. This is why we have to offer him a contract.

Mr. Lynch told the Board that re litigation, there is a little snag with the Veterans' Agent. The Commissioner of Veterans' Services says he has problems with what we're doing. We said we had 20 cases, but actually have only 11, and there is no need for full-time. The 60 communities we have called have only part-time Veterans' Agents and they haven't been challenged. We shouldn't give up on this battle - it is a tremendous financial burden on the Towns. Kopelman & Paige says full-time means on call full-time, which Marty Walsh is. The MMA is filing legislation and he is meeting with the MMA and the Governor tomorrow. The Commissioner has threatened to turn the matter over to Scott Harsbarger. The Manager of the Town of Franklin is also meeting tomorrow, and he is serving as their Veterans' Agent. Mr. Lynch added that Rep. Carol Cieven is being very supportive.

Re real property, the PBS Series This Old House is looking at the property on Worthen Street and Bob LaPorte asked Ms. Gates to help. They want to buy the property and spend years working on it. They're looking at only two properties - here and Cambridge. They want to buy it for \$200,000, put in \$300,000 and want to know if they can get their money out of it in 5 years. Ms. Gates said that this is a business, can we entice them to Town, and could EDP help? Bruce Irving is the Producer and she asked if EDP could call, and said she would also. Ms. Gates noted that this is the last structure of this nature left in Town, with a 17th century core.

Ms. Gates asked about CH61A land and said she talked to Tom Sileo about the property at the intersection of Pine Hill and Galloway Roads. Ms. Gates said we should plan on acquiring it - it is one of the last meadow lands, and is 61A property farmland.

Mr. Lynch said we have a number of these parcels and we should work with the Conservation Commission to set priorities.

At 10:05 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, March 17, 1997 at 10:10 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch said he thought the BOS was up to date and supportive on the Police contract settlement. They are getting 2% for FY96 and 2/2 split for FY97. The stumbling block was the re-opener clause - they thought it was part of the agreement.

They will get 50% of a health club membership paid, up to \$150 max, like the Superior Officers.

Educational Incentive is like the Quinn Bill:
5%/10% for Associate Degree; 10%/20% for BS, and 12.5%/25% for a Master's Degree in law enforcement, criminal justice or law.

Overtime - they can refuse it on a day off, and not be penalized. We wanted sick time language, with management rights to check on - in cases of suspected abuse can make the person see a doctor and get a note.

Mr. Lawlor asked about the funding of the contract and Mr. Lynch said some Free Cash - the educational percentage is 1% of the base to put into place, and the rest has a cost of \$91,000. There is \$60,000 in Free Cash and we can find the other \$31,000. The \$91,000 will have to be put into the FY98 budget as well.

The School Dept. budget was discussed. noting that changing to a block schedule involves the bargaining units but it is required by the State, and only 22 communities don't have it.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to ratify the Police contract as outlined by the Town Manager. Roll Call vote was 3 in favor - SJG, SGW and PVL, and 1 abstention (WFD).

Sharon Weitz was called re the Hilliard case.

Mr. Lynch reported we are negotiating with Tony Tappe for the library architect contract - the budget was the low \$400,000's. He's proposing \$395,000 and we're suggesting \$375,000. We need to get moving on this - we're putting the two houses out to bid soon and are working on RFP's for moving of books out and back in. We are looking at alternative sites - either F & M at the Nall or the old furniture store at the Mill.

At 10:35 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter



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Executive Session of the Board of Selectmen held Monday, April 7, 1997 at 9:15 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch told the Board that the Library contract was settled with the union last week - that it is a 3-year deal, the first year a 2%-2% split; second year 3% and third year 2%. They were very cooperative and anxious to settle. In the third year if we settle others for more than 2% we can sit down and talk about it.

They will have one-half day before New Year's and will close at 5:00 pm the day before Thanksgiving. The move during construction won't amount to any layoffs, and there will be no layoffs within the first 12 months of the new library being open. There is a small increase in longevity, from \$350 to \$500, and from \$900 to \$1,000. As far as staffing, he and Mary Mahoney have discussed it and she feels the staff she has is adequate. We checked with a salary survey through the NMA, and we're comparable, maybe a little low.

We have decreased the probationary period from 12 months to 6 months.

Mr. Lawlor said that as guidance in the upcoming negotiations growth in salary increases should keep in parity with the Town's revenue growth.

Mr. Lynch commented that the schools during this contract period have been reasonable. Mr. Lawlor said the contracts we've achieved go along with our goals but going 21 months with a 2-year contract seems unreasonable.

Mr. Lynch said that there has been unanimity until last month when they turned against him. Jack Buckley, IBPO and he will start talking within 3 weeks. We try to be consistent.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the contract negotiated by the Town Manager with the library employees. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

Mr. Dalton left the room at 9:35 p.m.

Mr. Lynch told the Board that we have an issue with the dispatchers and the Fire Union. A grievance has been filed by the firefighters claiming that we're asking them to do burn permits, which isn't part of their job, that they're doing dispatcher work. He will meet with them.

At 9:45 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Thursday, May 1, 1997 at the Senior Center. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Support Services Coordinator Marian Currier were also present. The purpose of the session was to discuss collective bargaining.

Mr. Lynch said that he has settled with the Cemetery and Highway Department Unions. The Highway contract was ratified by a 7 - 5 vote. He gave the BOS a handout showing the details of the settlement, explaining call back, uniforms - they want to wear shorts in the warm months, and may, with Mr. Lynch's approval of the style; seasonal night shift differential staying at 5%.

The Cemetery contract prohibits vacations between April 15 and Memorial Day; compensation of 3 1/2% and a \$500 flat payment during the year. They will be reimbursed for clothing within 5 weeks of purchase, with a limit. Mr. Lawlor asked what they wanted that they didn't get, and Mr. Lynch said they wanted a new position, machine operator, and an additional person.

There are no restrictions on outside contractors. The total additional cost for funding the contracts is \$16,500 for Highway, and \$5,785 for Cemetery.

Motion by Mr. Eliopoulos, seconded by Mr. Dalton, to ratify both contracts. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

Mr. Lynch gave the Board handouts on the budget adjustments he is asking for tonight and explained them.

He gave the Board members resumes on John Coderre, who is starting as his assistant on May 19th.

At 7:20 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Open Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Marian Currier

Regular meeting of the Board of Selectmen held Thursday, May 1, 1997 at the Senior Center at 7:00 p.m. prior to Town Meeting. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos and Stuart Weisfeldt. Susan J. Gates arrived at 7:10 p.m. Town Manager Bernard Lynch was also present.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss collective bargaining. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

The Board returned to Open Session at 7:20 pm and Mr. Eliopoulos asked about the referendum Charter Change article, saying he thinks the wording should state that the polls should be open a minimum of 2 pm to 8 pm.

At 7:25 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Marian Currier

Executive Session of the Board of Selectmen held Monday, June 9, 1997 at the Chelmsford Country Club at 10:00 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Lynch, Adm. Asst. Judith Carter and John Coderre, Asst. to the Town Manager. were also present.

Mr. Lynch informed the Board that a number of fights have taken place at the Boulevard Lounge, 100 Tyngsboro Road, and it is turning into a joint like the former occupant of the premises, the Meadow Lounge. There have been a lot of police calls and they will probably have to hire a detail officer to work the parking lot. Mr. Lawlor commented that he had visited the establishment and there were two bouncers at the door and wall-to wall people, mostly between ages 21 and 30. Mr. Lynch said he and Police Chief Caron want to meet with the Board at their next meeting. Mr. Eliopoulos commented that they need an adequate staff, with 6- 8 bouncers.

Mr. Lawlor asked Mr. Lynch to contact Town Counsel John Giorgio and have him draft a letter to bring the owners in on violation of public safety issues, due to the large number of police calls.

Mr. Lynch then told the Board that contractor Mass. Gravel has a contract on the property known as Glenview Sand and Gravel and are bidding on some of the Big Dig fill. DEP and Mass. Highway want to get rid of all the fill and are going to the Board of Health for a site assignment. The Conservation Commission and BOS will be concerned with environmental issues. He said what's in it for Chelmsford? - if it is clean fill and can be used they will pay us a "host fee" for the right to bring it here. The second question is what do we want to do with the property at the end of the dumping period - it is zoned industrial and they could put up 2 or 3 light industrial buildings, which would produce taxes for the Town. The second option is that they could turn it over to the Town, and we could develop it and turn it over to the Recreation Commission.

Mr. Dalton said they should meet Federal standards, and Mr. Lawlor said we could have a third party certify that it is clean fill.

At 10:25 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn the Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, June 30, 1997 at 10:00 pm. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Bernard F. Lynch, Town Manager, and Judith Carter, Adm. Asst. were also present. The purpose of the session was to discuss collective bargaining.

Mr. Lawlor said he wants to hear from the Town Manager what he's looking for, and then we will ask him for the data we want from him.

Mr. Lynch said he is looking for: a salary increase effective July 1, 1997 - other employees are receiving 2 or 3%, and he is looking at 2 1/2%. He would like the BOS to consider providing him with a Town vehicle. The Police and Fire Chiefs both are provided with them, and it is just as important for him to be on call and available. He is looking for a Ford Taurus type of vehicle, which would belong to the Town. He is also asking for an extension of his contract for one additional year through 6/30/2000. Ms. Gates said this is always a 3-year rolling contract. Mr. Lawlor asked what is the value of the contract through 1999.

Mr. Lawlor asked what BOS members want available from Mr. Lynch.

Mr. Eliopoulos asked to see his total mileage expense for last year. He also asked Mr. Lynch to think about what he'd like to work on, and also to give feedback to the Board's comments tonight.

Dr. Weisfeldt asked what do Towns of equivalent size pay their Town Manager - number of years in the business - worth on the open market. Do Towns give their managers a vehicle?

Mr. Eliopoulos asked if the vehicle would be a lease or purchase payment plan. Mr. Lynch said a lease, \$16,596 under the police package, and the life of the vehicle should be 120 - 130,000 miles.

Ms. Gates asked if we have a Personnel sheet showing ranges and steps, and Mr. Lynch said yes, but the Town Manager is outside the Personnel system.

Mr. Lawlor asked for a salary and benefit history going back 6 years and the cost of non-monetary benefits. He hopes the Board can vote on July 14th.

At 10:15 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go out of Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, July 14, 1997 at 8:55 p.m. to discuss acquisition of real property and collective bargaining. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch told the Board that legislation deeding the Forum from U. Mass. to the Town has been sent to State Rep. Carol Cleven for filing. The language says that they can use the rink when needed during the season up to 5 times per month, and they would not be able to bump a scheduled CHS hockey game.

Mr. Lynch said he has talked to Jack Fletcher, CHA and Holly Rice, and we don't want a rink with operating costs of \$250-\$300,000. We need to get Town Meeting to buy into this and if we set it up as an Enterprise Fund we would need Town Meeting approval. Ms. Gates asked if we could call it surplus at some point, and Mr. Lynch said we can always sell it.

Dr. Weisfeldt asked about the infrastructure, and Mr. Lynch said there is a small problem with the showers. He said the roof looks in good shape and is 10 years old, and the boards and glass are also good. There is excellent, expensive lighting. The Zambonis and scoreboard don't come with it, but we can buy these from their trust fund. We need to get some prices.

Mr. Dalton asked if Mr. Lynch will bring it up with the Town meeting reps and Mr. Lynch said we may have to call for a Special Town Meeting to fund the school evaluation and to buy the Zambonis and the scoreboard. His assistant is getting information from other towns with municipal rinks and they appear to be making money.

Mr. Lynch said there are operational questions - do we hire people and run it ourselves, or have a management team. \$130 per hour is the rental fee. The CHS hockey team will use the rink, and also the CHA. The tri-team league needs 20 - 30 more hours per week, and Westford and NVTHS are also being bounced around. Public skating is a possibility and the state school boys assoc. wants to hold their tournaments there.

Mr. Dalton asked about the time frame and Mr. Lynch said the legislation should come up in September, and there is a need for someone to take over the concession stand - like Starbuck's Coffee or Dunkin' Donuts.

Mr. Lawlor said he did a breakdown on the Forum dated July 9, and the items should cover the items that questions could be asked about.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that the BOS adopt the "Due Diligence List" of matters pertaining to the purchase of the Forum presented by Chairman Lawlor Mr. Lynch said he will use this list to do his presentation.

Mr. Dalton asked if there is any question of a last minute snag with the Town of Billerica and Mr. Lynch said we will try to get them to move the Town line so we can repair Brick Kiln Road. Bob Mercier, Billerica Town Administrator, seems

can repair Brick Kiln Road. Bob Mercier, Billerica Town Administrator, seems amenable to it now. Mr. Dalton asked what would it cost and MR. Lynch said he has talked to Jack Emerson about expanding our sewer line into a small part of Billerica and the road would cost app. \$100,000. We would use the arena as rationale to Billerica for the Town to move the line. We can then apply for Chapter 90 funds and also UPS.

Mr. Lynch said that re the Library project, maybe we should try to move the Children's House ourselves onto the lot at the corner of Wilson and Chelmsford Streets. We could move the house onto that corner for a cost of \$50 - \$75,000, and spend app. \$100,000 altogether, with a foundation. We could sell it for \$250 - \$300,000, and could put public parking behind it and green space in front. We could build a new ballfield at the East School.

Mr.. Dalton commented that the Housing Authority has a big problem with that field = balls are hit over to their parking lot and hit cars. Mr. Lynch said a ball field will be put back at the Center School for public use.

The Board said we could put a gazebo/bandstand on that lot.

Mr. Lynch said the advantages to his plan are: we would save the building, improve green space, improve municipal parking and improve the East School. The whole lot is worth \$150-\$200,000 and we would only sell part of it.

Mr. Lawlor said he doesn't want to see the loss of that park there - he doesn't have a problem saving that building, only not on that location. We let the park become a dump.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to ask Mr. Lynch to pursue the matter to see what the actual costs will be and report back on August 4th. Roll Call vote on the motion was: PME-Aye; WFD-Aye; SGW-Aye; SJG-Aye and PVL-Nay. Mr. Lawlor then changed his vote to Aye to make it unanimous.

The Town Manager's contract was then discussed, with Mr. Lawlor saying that the Town Manager has asked for a one year extension of his contract, a 2 1/2% increase in pay and an automobile for his use in the range of a Ford Taurus. Mr. Lynch said the vehicle would remain the property of the Town. Mr. Eliopoulos asked if that means the Town pays for insurance and maintenance and he would get his gas at the Police station. Mr. Lynch said the vehicle would go onto the Town's insurance policy.

At 9:40 pm Mr. Lynch left the meeting.

The Board then discussed the requests. After much discussion motion by Mr. Lawlor, seconded by Ms. Gates, to offer Mr. Lynch a 3% raise and no vehicle, or a 1 1/2% increase plus a vehicle. Dr. Weisfeldt said if Mr. Lynch accepts the 3% he will vote in favor. but not a vehicle. Roll Call vote on Mr. Lawlor's motion was PME-Aye; SJG-Aye; PVL-Aye; SGW-Nay and one abstention (WFD).

The Board then called Mr. Lynch back in and gave him the two alternatives. He asked for time to think them over.

Motion by Mr. Eliopoulos, seconded by Dr. Weisfeldt. to extend Mr. Lynch's contract by one year, to keep it a rolling 3-year contract. Vote on the motion was PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye. Mr. Dalton abstained.

At 10:45 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go out of Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, August 4, 1997 at 9:15 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present, as was Marian Currier and Town Counsel John Giorgio.

Attorney Giorgio had prepared a litigation status report dated July 31, 1997, noting that 8 cases had reached conclusion since his last report. He explained the difficulty with the Kalos case, with the Historic District trying to get him to take down his lighted sign. It was difficult getting a judge, and the judge declined to issue the injunction. He asked for settlement discussions, but there has been no agreement. Mr. Giorgio said if we can get a court date, we will file a motion for summary judgment.

He discussed case #3 - Country Club Estates Realty Trust vs. Town. He believes a settlement offer will be coming to the Town soon. If the case should go to court two experts will argue the evaluation of the property. He said that 9 out of 10 of this type of case is settled out of court, and the Town has incurred very little in legal fees so far.

The Board asked him about #12 - the Krikorian matter and he said it is being handled by the insurance counsel. Ms. Gates asked if there is liability to the BOS, and Mr. Giorgio said No, to the Town. Mr. Lawlor said the BOS has no supervisory responsibility under the Charter, and the Town Manager is charged with the authority to supervise. Mr. Giorgio said the liability in a civil rights case is on the individual, and in this case the Town is held liable as Supervisor, not individual officials. Mr. Lynch said he understands that a motion to dismiss was filed and Mr. Giorgio said he will contact the insurance counsel to file update reports with us.

Mr. Lawlor said that the BOS has voted on the Town Manager's contract for FY98 and would like an updated document. We will send Mr. Giorgio a copy of the signed contract and vote.

Mr. Lawlor then asked the BOS if they have any thoughts on Kopelman & Paige as Town Counsel. Dr. Weisfeldt said he is comfortable with them. Mr. Dalton said it is up to Mr. Lynch because he works most closely with them. What he sees is only in Executive Session and that's OK with him. Ms. Gates said her only problem was with the Historic District Commission - George Kalos matter, and Mr. Giorgio had said that was a problem with a judge.

Mr. Eliopoulos asked about compensation and Mr. Giorgio said \$115.00. per hour and a set budget figure is allocated every year. He said that Mr. Lynch has good control of everything through his departments requesting use of Town Counsel services through him. Chelmsford doesn't pay as much as other communities of a like size. Mr. Giorgio added that Mr. Lynch has many answers, that he is a very effective Town Manager in keeping Town Counsel costs down, and his firm has also tried to keep costs down.

Mr. Lynch said he is pleased with their service, and Mr. Lawlor said that when we

changed from Mr. Harrington we looked for someone to keep us out of trouble, more pro- active. Mr. Lynch said that costs are less than with Harrington, that the Boards are happy with Kopelman & Paige, and so is he. Mr. Lawlor asked Mr. Giorgio to keep us informed on upcoming changes - new by-laws, etc.

Motion by Mr. Dalton. seconded by Mr. Eliopoulos, to re-appoint Kopelman & Paige as Town Counsel from July 1 - June 30, 1998 at the same rate of compensation. Roll Call vote was unanimously Ayes, but the vote will be taken in the next Open Session.

Mr. Lynch asked Mr. Giorgio about Keven Ross and the Wetlands, that the Town dumps snow and sand there in the winter and is looking for a delineation. Mr. Lynch has had the road closed with Jersey barriers and now Mr. Ross wants us to remove the barriers so he can get equipment out. Mr. Lynch will write to him that he can't go across Town land but we will open the barriers so he can get his boat and equipment out. He wants to be able to use Town land but not anyone else. Mr. Giorgio said he will get involved if needed.

Mr. Lynch said there is not much to report on the Forum - that there will be a specific agreement between the parties and a reverter clause if we want to give the property back to the State. Mr. Giorgio gave him a copy of the draft legislation. Mr. Lynch said he is getting numbers from the University of the past 5 years' expenses and Mr. Pearson said a hazardous waste study would cost between \$15 and \$20,000. Mr. Lawlor said that hazardous waste may be only contiguous to the building, because that's where the gas and ammonia would go. If we find something it may still be cost effective to clean it up because clean up might be only \$80,000. Mr. Lynch said his concern is the relationship that he has built up with the University. The Board asked him to go ahead with the Phase 1 analysis and have John Giorgio call the state DEP and ask for their most recent reports on that area. Mr. Lawlor said we don't want to appear ungrateful to the University and a lot of people are enthused about the project. Mr. Lynch asked the BOS not to say anything about the hazardous waste concern to the press.

Mr. Lynch said that re the Glenview Sand and Gravel property, Mass. Gravel wants to bring in 350,000 yards of Big Dig fill. They would pay us \$1,000,000 as host community. Mass. Highway is saying that this is a former landfill and they would develop it as industrial land. There is competition for the materials with Milford and other communities. DEP checks every 1,000 yards for any contamination. Mass. Highway had an agreement with DEP that the material was going to be used to cap landfills - that is what was in the environmental impact study.

Steps to be taken are: 1. Engage an engineering firm to be paid by Mass. Gravel; 2. zoning issues and 3. Board of Health issues. The Board said that if it is clean fill Mr. Lynch should explore the matter.

Mr. Lawlor said that the upside would be \$1 mil for the Town and the downside would be more congestion on Drum Hill Road and a risk of contamination. Mr. Lynch said it could be up to 120 trucks per day.

Dr. Weisfeldt asked what about Conservation issues and Mr. Lynch said they will be

brought into the picture, along with Richard Day, Andy Sheehan, Tony Zagzoug and Jim Pearson. If the risk is too great the Town doesn't want it.

Mr. Lynch told the Board that the Housing Authority is interested in moving the Children's House to the McFarlin site - our options are: do it, don't sell it or do it and have the Housing Authority assume all costs. Mr. Lawlor said his feelings have not changed about not moving the Children's House to that location.

Mr. Lynch then told the BOS about 66 acres of land that Ray Carye owns off Ledge Road, zoned Special Industrial (IS) and surrounded by the landfill, Rod & Gun Club and 2 areas of Conservation land. The only access is Ledge Road, and Mr. Carye had asked about putting in Affordable Housing but Mr. Lynch said no, it's not zoned for that. Atty. Howard Hall is representing Mr. Carye and they are talking about putting up a warehouse. They have talked to some residents and Town Meeting reps have heard that they want to sell the land to the Town. He doesn't know why they talked to them and not Town officials, and Mr. Lynch wants to know if the BOS would be interested. If we should purchase the property it could be used for hiking, mountain biking, etc.

Mr. Lynch will have the property appraised and talk to the owner.

Mr. Lynch then mentioned the 17 acres behind the Highway Garage owned by Harold Kacy which he would be willing to sell to the Town. We have taken most of the sand out of it over the past 10 years, but there is a potential for ballfields. The BOS asked Mr. Lynch to investigate.

Mr. Lynch said that re the Open Space Preservation issue, he is coming up with mechanisms to achieve this. One idea is a 1% real estate transfer tax, like Nantucket, when you buy or sell property tax anything over \$100,000 at 1%.

The policy for the Stabilization fund is to put money in, and the policy for tax relief is to provide it to the residents. Mr. Lynch said that over the next year or two he wants to start setting aside money to procure more open space. which implements the concepts of the Master Plan.

Mr. Lynch said that re the South Row fields, the Soccer Association went to the School Dept. and said they will invest \$80,000 - \$100,000 in soccer fields at the South Row School but their concern is that soccer must be the priority. Mr. Eliopoulos said we have to be cautious with Town land with restrictions - they would have to be in writing and parameters would have to be set when private groups dictate.

At 10:40 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn the Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Marian D. Currier

Executive Session of the Board of Selectmen held Monday, August 25, 1997 at 9:50 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were both present. The purpose of the session was to discuss real property.

Mr. Lynch told the Board that re the Carye land on Ledge Road, he has acquired another parcel and is filing with the Planning Board to use it as Industrial land. The residents are up in arms. The Town could buy 66 acres and Atty. Howard Hall has said for \$1.25 million. We are getting an appraisal of value on the land from Mr. Caton of Gardiner.

Mr. Carye is also offering us Flood Plain land behind Parlee's building in Vinal Square. Mr. Lynch said it's a good chunk of open land and we spent \$600,000 on the Cranberry Bog.

The appraiser is also looking at Kegy property off Graniteville Road.

Mr. Lynch said re the Forum, the University is still anxious to give it to the Town but Don Lampron from Andover has heard that the legislator from Andover is asking to have it turned over to Andover. Rep. Cleven is talking to him and she has filed the legislation. The more ice time we can sell the better. The legislation will go on the fast track and should be done by the middle of October and we should have the property by the first of December.

He reported that the irrigation at the golf course is moving forward - we've bought the equipment but they have to install it, which will cost app. \$40,000. The seventh and eighth fairways are not included. We're talking about foregoing our fee this year to let them do it. Board members agreed that that should be done.

Mr. Lawlor and Ms. Gates said they have heard complaints about the kitchen and the lack of help.

Mr. Lynch said that total play looks to be up about 16% from last year.

He told the Board that Norma Von Fricken had been residing in the Stop and Shop parking lot and the Police moved her out when the store asked them to. She owns a piece of property at the corner of Burning Tree and Country Club Drive and her car was delivered to her lot on a flatbed. The Board of Health will cite her for no plumbing and no water.

Ms. Gates said that she has been evaluated and she is not stupid.

Mr. Lawlor informed the Board about land off Stedman Street, on the Lowell/Chelmsford line. The land is principally in Lowell but access is through Chelmsford. There are 4 lots in Chelmsford but the land in Lowell is zoned IA and has only 1/4 acre lot requirements. They will need sewerage from us and a Special Permit from

Lowell to put houses on industrial land.

At 10:15 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye and SJG-Aye.

For the Board of Selectmen, by

J. L. E. Carter

Executive Session of the Board of Selectmen held Monday, September 15, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Counsels John Giorgio and Joel Bard, as well as Adm. Asst. Judith Carter were also present.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, at 4:15 pm to go into Executive Session to discuss litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-aye and PVL-Aye.

Mr. Lawlor said that last Monday night, at the 2nd Executive Session we discussed Glenview Sand and Gravel and the Mass. Gravel proposal to dump Boston Harbor fill there. There was no perspective scenario that wouldn't include filing an appeal with the DEP, and Attorney Giorgio said that has been done.

Mr. Lawlor said he personally feels that continued dumping of fill by Mass. Gravel, even if only 10% in the interim period, is too much and he is ready to seek a court injunction which, if issued, would prohibit them from dumping prior to a hearing. He feels that the zoning argument would be most fruitful because under our zoning by-law they need a Special Permit from the Board of Appeals.

Mr. Lawlor said in reading Mr. Lynch's memo dated Sept. 15 he thinks that Mr. Lynch sees the likelihood of their dumping as a fait accompli, and he thinks we should accept for our best position the Host Community agreement and the money. He feels if we go for an injunction we will antagonize Mass. Gravel. Mr. Lawlor asked if the BOS feels the same way.

Mr. Eliopoulos said he is inclined to agree but we as a Board haven't come up with the ultimate goal - do we want it or not. Where does Jim Pearson stand on this - do we need an environmental engineer to look at the Administrative Order - we haven't done all our homework. Will Mass Gravel not dump until we get more information?

Mr. Giorgio said that after he and Mr. Lynch met with Mass Gravel they hired Mike Scipione from Weston & Sampson, an environmental engineer. He has sat down with CVM and we have no formal determination but certain things need to be protected. Mr. Scipione is not concerned with contamination of the fill. Mr. Eliopoulos asked if the Consent Agreement needs to be checked by our engineer and Mr. Giorgio said

that would be part of our negotiations. Mr. Eliopoulos feels that until we get an assessment we need to stop them from dumping. He feels our scenarios are: A. let them do it with a Host Community Agreement; B. fight it and win; or C. fight it and lose and try to get back to A.

Mr. Dalton asked who will set safety levels on contamination of fill and Mr. Giorgio said it is now DEP policy but we can add additional categories to that agreement. Mr. Dalton said he gets the feeling this is a done deal. Mr. Giorgio said it is if you can't stop it. It would be an uphill battle in an injunction issue and the changes of success are not great. He said it is a difficult decision but he believes that the Town maintains the best control by the Host Agreement. Mr. Giorgio said that right now with the materials tested and delivered contaminants are non-detectable, but there could be a hot spot in one pile. We need an environmental engineer to recommend additional testings or protocols.

Mr. Dalton asked about filing an injunction and Mr. Giorgio said that the Building Inspector could issue a cease and desist order and Mass. Gravel could appeal to the Board of Appeals. If you get a court injunction - a judge could order the material removed by Mass Gravel at the end of the case. Mr. Giorgio said that if the BOS is successful in getting an injunction dumping in the interim would continue to take place until they go to the Board of Appeals. He doesn't think we could go back to scenario A from scenario C.

Ms. Gates said we have to look at this politically, too - we would like to follow the right plan. She feels the worst thing that could happen is that we could be left with a hole in the ground with contaminants in there - it's a contaminated site now. If we took it for tax taking we're left with a hole in the ground - if done right it would be like Spectacle Island.

Mr. Giorgio told the Board that there will be a 30-year monitoring of that site and DEP will require Mass Gravel to close and cap the site after they have restored it. If contaminants are found within that 30 year period Mass. Gravel or the State could be held responsible, or even the City of Lowell if the original contamination was caused by Lowell.

Ms. Gates asked what are EPA threshold for contamination?

They're not dredging the bottom of the harbor - could we bring in someone from the Central Artery to explain what the fill is - it would educate us as well as the community.

Dr. Weisfeldt said he wants to go with Scenario A, that we could hire our own testing people and set our own standards. He would like to hire an independent testing contractor. Our objectives should be: 1. protect the citizens of the Town and 2. get the land capped. If we can do A, he's in favor of it.

Mr. Lawlor said we need to consider that until the Host Agreement is negotiated all that while the situation is changing. Fill is coming in - is it being tested? is Mass Gravel a responsible party? He feels that this is a static situation and that our status is being diminished while this is being negotiated.

John Giorgio said that he would ask Attorney Barry Fogel to ask Mass Gravel to stop filling until we get that Community Host Agreement and said he had called him last Tuesday saying we are prepared to negotiate. He called Mr. Fogel again to tell him that he is meeting with the BOS today.

Mr. Eliopoulos commented that they're under contractual obligation and probably won't stop dumping on their own. He said the first issue is materials being dumped and the second is 37,000 truckloads. Mr. Giorgio asked if there is any way to put in a cut-through to minimize the impact on Chelmsford roads and the Board told him that could only be from Route 3.

Dr. Weisfeldt asked what would the result be if we went for an injunction and it was denied. Mr. Lawlor said that any relationship with Mass Gravel would deteriorate, although he doesn't feel any compulsion to get along with Mass Gravel and doesn't think DEP will let them interfere with any local concerns.

Mr. Giorgio said at this point we're delving into personalities, not law,, and he thinks we will taint the well by going for an injunction - it would endanger the Host Community Agreement and he advised the BOS don't take that step unless you're prepared to lose control. Mr. Dalton said it's a done deal already.

Mr. Giorgio said we could work out a split test - they could test half and we could test half independently. Mass Gravel wouldn't have problems with dumping and testing and if

something was found, standards would be raised. Mr. Eliopoulos added that logistically in 750,000 cu. yds of fill we'll find some contamination. Mr. Giorgio said we need to investigate - can we section off the site, and dump in a particular area, have it tested, and if a problem was found they would have to remove it and take it out.

Attorney Joel Bard said there are substantive issues - that on the zoning side there is a factual question - they're operating under the premise that this is a grandfathered earth removal operation. The question is has it been continuous, without a 2 year lapse.

For a preliminary injunction the Town would have to have someone familiar with the site and would have to have documentation - PO's etc. We have the difficult side of proving the negative, that nothing has happened in over two years. If the facts don't go our way they've got the benefit of grandfathered earth removal activity. Under the detailed section of the zoning by-law restoration is part of the earth removal by-law, and this is a restorative part of the activity. They've got a pretty good argument to say if it is a grandfathered use this is a normal conclusion of earth removal activity and they will do it according to the Town's restoration standards. This is a sound legal argument.

On a separate argument a landfill is a prohibited use and could we call this a landfill, not earth removal. The DEP is requiring landfill permits and the fact that they're restoring an earth removal pit with land fill materials.

Ms. Gates said that everything we've ever heard from the Board of Health is "landfill" but Mr. Giorgio said they're coming from a different regulatory framework. For zoning purposes we look at it differently - 1. earth removal or 2. landfill. Mr. Giorgio said that our zoning by-law calls a landfill a site that is used for depositing of solid waste and Ms. Gates asked if landfill means the same thing to the DEP. Mr. Giorgio said Yes, there is solid waste in that site and the DEP is now requiring closure, and does the Board of Health have any jurisdiction -no, because there was no site assignment, only if the site was not used as a landfill prior to July, 1955.

Mr. Eliopoulos asked why is Mass Gravel offering the Town \$1,000,000 - there's a message in that, that if we take the

money we're liable if there is contamination. We're doing everything on faith, and what happens if we don't negotiate a good Community Host Agreement - what do we tell people about the 75,000 cu. yds that will already have been dumped there.

John Giorgio said we would be a Principal Responsible Party if we owned the site or were transporting or dumping there. By entering a Community Host Agreement we do not make the Town a PRP.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to authorize Town Counsel to get in touch with Mr. Fogel ASAP to work out a Community Host Agreement with all concerned parties - Mike Scipione, Jim Pearson, Jack Emerson, etc. and in the interim to prepare a preliminary injunction but not carry it out.

Discussion followed. Mr. Eliopoulos said they must be getting a \$15 - \$20 million total package if they're offering us \$1,00,000. Mr. Bard said if they've done their homework they are creating a valuable asset. Mr. Giorgio added that it also puts the parcel back on the tax rolls, and if the Town takes it under tax payment Mass Gravel could pay the taxes. Mr. Eliopoulos said we could tie them up and they could use their contract - could we bring them back to "A" with that. Mr. Giorgio said the way for him to negotiate the agreement quickly is for him to meet with Mike Scipione, Jack Emerson and Jim Pearson to come up with a list of conditions and talk to Mass Gravel. The interim grading plan is only for 75,000 cu. yds. and we hope to negotiate the Community Host Agreement during the interim grading plan.

Roll Call vote on Mr. Dalton's motion was: WFD-Aye; PME-Nay - SGW-Aye; SJG-Aye and PVL-Nay. Motion passed on a 3 to 2 vote.

Mr. Eliopoulos said he feels we can't let them continue to dump on that site until we have some environmental testing. We have nothing from the Building Inspector saying they have the right to dump there and nothing from the Town Engineer.

Mr. Dalton asked Mr. Giorgio if he has legally received the Consent Agreement and he said Yes, that from a regulatory standpoint DEP has the right to enter. Our argument would have to be that the Town wasn't consulted. If you go to court and seek an injunction on zoning and you win, they'd

need to get a Special Permit from the Board of Appeals. Mr. Eliopoulos asked how long to get an injunction and Mr. Bard said two or three weeks to maximize our chance of winning. We have to get affidavits that this is not a legal non-conforming use.

John Giorgio would tell Mass Gravel that the BOS is divided and if we can't negotiate a Host Community Agreement within 2 or 3 weeks we will go to court for a preliminary injunction.

Motion by Mr. Lawlor, seconded by Mr. Eliopoulos, to instruct Town Counsel to immediately seek an injunction against Mass Gravel ASAP to stop them from dumping. Roll Call vote was as follows: WFD-Nay; PME-Aye; SGW-Nay; SJG-Nay and PVL-Aye. Motion failed on a 2 to 3 vote.

Mr. Bard asked who should we talk to re the non-conforming use and the BOS said Tony Zagzoug, Richard Day, Bob Greenwood, etc.

Ms. Gates asked to bring up a second issue - the George Kalos matter. She said that Peggy Dunn, CH, Historic District, is upset and that Ilana Quirk has not been returning calls. We passed the by-law and Tony Zagzoug told Ms. Dunn that he can't enforce regulations of the Historic District. Mr. Giorgio said that there is now another Application for a Certificate of Appropriateness for a Nail Salon sign in that building. We have a motion for summary judgment which will be filed in Superior Court tomorrow. We need to check Peggy Dunn's Affidavit and he will talk to her directly.

A meeting of Town Officials will be set up to discuss conditions we want for the Community Host Agreement. Mr. Eliopoulos will be the BOS liaison to this group.

Mr. Lawlor asked the BOS if he may tell the press that we have filed an appeal with DEP and members agreed.

At 5:50 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye. SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Jcc

Julio E. Carter

Executive Session of the Board of Selectmen held Monday, September 22, 1997 at 9:20 p.m. at the Parker School TV Studio. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present. The purpose of them meeting was to discuss potential litigation and the acquisition of real property.

Mr. Lynch said he met with Mass Gravel today. Dr. Weisfeldt said he went to the site and watched them dump and the fill looked firm to him. Mr. Lawlor had sent the BOS a memo re testing. Mr. Lynch had talked to John Giorgio and conceptually Mass Gravel agrees to us testing.

We're proposing 12 sample sites out there and Mike Scipione is drafting various processes to test for total petroleum, viable carbon, heavy metals and PCBs. We will use either a firm from Manchester, NH that Jack Emerson knows or one from Stoneham that Jim Pearson is familiar with. Mr. Scipione will fax the protocols to John Giorgio and Barry Fogel. It will cost \$500 per site to do tests and we are going to ask Mass Gravel to set aside monies for our legal costs and testings. We will do 150 of our own testings on site.

Ms. Gates asked what are the federal and state standards for the things we're testing for, and Mr. Lynch said the Consent Agreement has a schedule for what the State considers and EPA (federal) standards are probably less stringent than the DEP (state). Mr. Lynch said he is meeting with John Giorgio and Jack Emerson with a proposal, and we should have the test results by Thursday.

The meeting today involved John Giorgio, Mike Scipione, Richard Day, Doug Hausler, Jack Emerson, Jim Pearson, Andy summarized the strategy: filing an appeal with the DEP, and preparing documentation for an injunction against Mass Gravel. Mr. Eliopoulos asked him to have it ready by Monday.

They worked on proposals for the Host Community Agreement:

1. testing materials;
2. hours of operation - we don't want any impact on the Drum Hill rush hour traffic; start at 8:00 am, stop at 3 or 3:30 pm, then 8 pm to 6 am. The night work will be dumping only, no grading and 400 - 500 feet away from residences.
3. truck routes - direct all traffic into Lowell from Drum Hill to the Westford Street entrance. Mr. Lynch said the question is - do we want to curtail more hours and have the project take longer or give them longer hours to get it done sooner. They indicated 120 trucks per day - we're looking at putting some caps on the number.
4. short term and long term testing material standards and source of materials - we want only Central Artery fill because we know it's tested by the DEP.
5. closure and capping plan - what are they preparing for future uses. They have to put in monitoring wells and we want the Town to be named in a surety bond - maybe \$5 million - that 1. they complete the job and 2. there is no negative impact and build in all environmental protections hay bales, etc.

The Town is looking for \$2.50 per yard, which comes out to \$2 million. Mr. Lynch said that the back taxes have been paid. Dr. Weisfeldt said if the tests are not to our satisfaction they have to get the material out of there until it meets our test standards.

Mr. Lynch said that before our Friday meeting with Mass Gravel we will go over our proposal again. He and Mr. Eliopoulos will report back to the Board.

Mr. Lawlor said what if Mass Gravel says Ok to everything, what do we do?

Ms. Gates said in principle, it's Ok - the testing part is of more concern than the money.

Mr. Dalton said if we get a majority of what we're asking, we as a Board can feel that what's coming is not toxic.

Mr. Eliopoulos said our first goal is to stop it. We have concerns with the potential of the environmental impact; traffic and safety issues on Drum Hill Road. Mr.

Dalton said he has noticed no change in the traffic.

Mr. Eliopoulos said he has done research and talked with stringent environmental firms. Some Towns have been able to stop it, not using Kopelman & Paige. We might want to get a second opinion from firms specializing in environmental law.

Ms. Gates said we hired Kopelman & Paige because of their broad base and expertise. They know all areas that would impact us and I have to listen to my counsel and their legal opinion. This isn't a sure fire winner to stop with an injunction.

Mr. Eliopoulos said we have time to get a second opinion from a firm that has a winning track record in this type of matter.

Mr. Lynch said we looked at McGregor Shea - they handled our Lowell Landfill case. Kopelman & Paige handled the Charles George landfill case for 6- 8 Towns.

Ms. Gates said that every person here feels that if we could stop it and have a site before they started dumping we'd all turn back the clock. We're sending mixed signals to our counsel and at some point we have to make a decision.

Mr. Eliopoulos said that Anderson and Kreeger are well known in Massachusetts for stopping environmental issues. They have worked with Kopelman & Paige on issues like Walpole and he doesn't see any negative effect on it.

Dr. Weisfeldt said his big concern was testing and if we get what we want on that, take the ball and run with it. Suppose we win on an injunction, we will still be stuck with a hazardous site. Mr. Eliopoulos has a good idea but by the time we get a second opinion it may be too late.

Mr. Eliopoulos said if things don't go well on Friday - and Ms. Gates said she could accept it then - if we have to go to war, she wants every big gun we can get.

Mr. Lawlor said that last Monday was a cathartic, productive meeting. Publicly we speak with one voice and he doesn't like the way this is heading. The protocol that came from the meeting today reflects the majority wish of the Board. He doesn't have confidence with Town Counsel's opinion - his zoning conclusion, likelihood of succeeding with an injunction, and he disagrees with not starting with a more aggressive approach.

If things go well Friday residents will see that the Town has entered into an

agreement without one public hearing. We'd be seeking an injunction on the basis that this is a prohibited landfill use that requires a Board of Appeals Special Permit. We would instruct the Building Inspector to effect enforcement in order to stop the dumping. Mr. Lynch said that Tony Zagzoug is in agreement with Town Counsel but he will enforce it if the Board and Town Manager want him to. He doesn't think we'll win and if you did that you would be seeking an injunction to stop them from dumping until an appeal is heard. The Board of Appeals has to hold a hearing within 30 days.

Mr. Lynch said we discussed an Environmental Impact Report and Dr. Weisfeldt said we discussed would there be any impact on the aquifers. Mr. Lynch said No, they are in a Zone 2.

Dr. Weisfeldt asked what if we asked for a second opinion and they come up with a deal on Friday. He thinks that's a dirty trick - to pull the rug out from under John Giorgio if we've sent him to negotiate.

Mr. Eliopoulos said that a second opinion gives us something to fall back on if negotiations go sour on Friday and he won't vote positively until he gets feedback from someone with expertise with these matters.

Mr. Lynch said he knows where Mr. Eliopoulos is coming from - that he himself has a comfort level with John Giorgio but if he was going to another firm he would use McGregor Shea.

Mr. Dalton said he called each Board member re the fill last week because he had phone calls. If we go along with this agreement the fill will be much less hazardous then what's there now. He said to Mr. Eliopoulos you want to send Mr. Lynch in there to get the best agreement he can, but he can see where he is coming from re the second opinion.

Dr. Weisfeldt asked Mr. Eliopoulos and Mr. Lynch if they felt that the people there were comfortable today. Mr. Eliopoulos said he agreed and thinks we've all worked very hard towards agreement today, and if the second opinion says that Kopelman & Paige is off base, we have options.

Motion by Mr. Eliopoulos that we seek expertise and environmental counsel with experience to determine what our options are and to potentially work with Kopelman & Paige if we need it. Mr. Dalton asked what if Mr. Lynch gets an agreement on Friday.

Mr. Eliopoulos amended his motion to say if they agree to everything we want on Friday we won't pursue this avenue.

Mr. Lawlor said he thinks that 3 members were comfortable with the vote taken last Monday, and all this will do is to initiate the backup. Ms. Gates said we should direct Kopelman & Paige to bring on co-counsel to help with materials for the injunction so we will not be left with a contaminated hole in the ground.

Mr. Eliopoulos withdrew his previous motion and moved, seconded by Mr.

Lawlor, that we seek a second opinion with someone who has expertise and a good success rate with these types of issues if we need to go for a Temporary Restraining Order, unless we get the agreement we're looking for on Friday. Roll Call vote on the motion was: WFD-Aye; PME-Aye; SGW-Nay; SJG-Nay and PVL-Aye. Motion passed on a 3 - 2 vote.

Mr. Lynch said we'll try on Friday, and if we're not successful we will come back and re-visit it. Do we cut a deal at that point - he doesn't think we're going to get all of that on Friday. He can come back to the BOS next week to for another decision if we don't cut a deal here. He feels that we're going two separate ways.

Mr. Lawlor said we will take the second vote of the BOS if we go for an injunction and we will let Mr. Lynch decide who he wants to talk to re a second opinion. Mr. Lynch said it seems to him that our position is revolving and changing and will continue to do so. He will find someone and talk to them about this.

Mr. Lynch then brought up the Carye property - 66 acres on Ledge Road. Appraiser Caton's opinion of value is between \$800,000 and \$1,000,000+, at app. \$16.00 per acre. He is having a meeting with Attorney Howard Hall to see if they are interested in selling. If we get it for \$750,000, do we want it? It is partly conservation land, and if we take it by eminent domain we have to state the purpose of the taking and can't use it for anything else. Board members agreed to let Mr. Lynch get a price.

Mr. Lynch told the Board that the opinion of value for the Kecy Sandbank land is \$87,000. If we purchased this land we could our DPW Dept. back, or put some ballfields in there. Mr. Kecy wants about \$200,000. This will be put on hold for a couple of months.

Mr. Lawlor had disclosed his conflict with the Trinity Development project on Bowl Road. Mr. Lynch said we should try to get the City of Lowell to move the boundary so it will be part of Chelmsford, with fewer lots. He asked who's providing services. and Mr. Lawlor said the developer will be grandfathered by filing in Lowell, and it is too late for us to acquire the land to change the density. The BOS is not interested in this project.

Mr. Lawlor asked about knocking down the North Town Hall and moving the Children's House there. Mr. Lynch said it would be very expensive to move that house there. Mr. Dalton said No, and Mr. Lynch said he would rather see us sell it than tear it down.

At 10:50 pm motion by Mr. Eliopoulos, seconded by Mr. Dalton, to adjourn the Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Joeth E. Carter

Executive Session of the Board of Selectmen held Monday, October 20, 1997 at 6:55 p.m. at the Senior Center.

Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Town Counsel John Giorgio were also present. The purpose of the meeting was to discuss Collective Bargaining and Glenview Sand and Gravel.

Mr. Lynch gave the BOS a bullet sheet on the Clerical Union, noting that they have settled a 3-year contract. Changes were: Art. 5 - now all working days; Art. 7 - said can appeal to BOS, now says can appeal to Dept. Head then Town Manager; Art. 9 - anyone called back to work gets 4 hours minimum (this is mainly custodians). Salary increases are: split 2-2% first year; 3% second and third years. Art. 10 - they want the day after Christmas off; Sick leave - a limited number of days for family members; Bereavement - add "step parents". The cost will be app. \$32,000.

The BOS asked Mr. Lynch what he asked for that he didn't get and he said he wanted time and one-half after 40 hours, not 37 1/2, and to cut the number of vacation days for senior employees from 25 to 20.

The Board asked that from now on, Mr. Lynch should provide to the BOS a written list of goals before negotiations start.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve the Clerical Union contract as presented by the Town Manager. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

Mr. Lynch then presented a bullet sheet on the Police Patrolmen's contract and went over it with the BOS. Compensation is year 1: 2% and 2.5% for the top step to close the gap between them and the Superior Officers; years 2 and 3 - 3%.

Shift differential - Increase by \$40 per week to \$25 per week;

Clothing Allowance - increase by \$100 per year to \$700 per year;

Sick leave - Add wellness program language - 3 days pay if they don't use any sick days. Their average is 9 days per year.

Seniority - delete reference to Sergeants within seniority section;

Sick leave - eliminate buy-back report requirement and add language defining use of sick leave;

Physical Fitness - add incentive program - \$500 per year;

EMT - add incentive program - \$800 per year;

Quinn Bill - to recommend passage at Town Meeting. We now pay 5% base pay per year for an Associate's Degree; 10 for a Bachelor's and 12 1/2% for a Master's. The Quinn Bill doubles these figures, with the State picking up 50%. There is now no cost to us for Patrolmen but will cost more for lieutenants and superior officers. The Town needs to adopt the Quinn Bill - good people are going to other Towns.

The Grievance Settlement referred to has an exposure of \$100,000 - \$120,000. A Retro Grievance was withdrawn, but there is a 7% increase for mid steps, double steps for 15 patrolmen and no retro to new hires for 4 years, but they will get a double step on anniversary date.

The total cost of the settlement will be \$90,000 for the first year.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve the Patrolmen's contract as settled by Mr. Lynch. Roll Call vote was as follows: WFD-Aye;

PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

Mr. Lawlor said that 4 or 5 years ago we were achieving more management rights and giving smaller increases. Mr. Lynch said that management rights are becoming difficult to look for, that we've achieved most of what we had wanted. All agreements have been in the 3% range, and all for 3 years.

The BOS then discussed Glenview Sand and Gravel with Town Counsel Giorgio. He said they have proposed Oct. 29 or Nov. 5 as a public hearing date. 75,000 cu. yds have been brought to the site which is compacted to 25% of the volume when on the ground. He said the DEP is issuing a Notice of non-compliance to the City of Lowell and Lowell Gas. They found cyanide in the water but trespassed on Mass Gravel land to test. The City of Lowell had an access agreement with Glenview Sand and Gravel, but it has expired.

Mr. Giorgio has drafted a Host Community Agreement and suggests we hold the Public Hearing on Oct. 29th. Mr. Lawlor asked BOS members to look over the Agreement draft by Thursday.

At 7:25 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go out of Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Carter

Executive Session of the Board of Selectmen held Wednesday, October 29, 1997 at the Senior Center at 8:25 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos and Susan J. Gates. Selectman Stuart Weisfeldt was attending another meeting. Town Manager Bernard Lynch, Town Counsel John Giorgio and Adm. Asst. Judith Carter were also present.

Mr. Lynch spoke to the BOS about a letter he and each Board member had received from Planning Board Chairman Kim McKenzie re 243 Riverneck Road. It was the decision of the Board of Appeals to allow the contractor to divide the parcel into 3 lots, and the Planning Board said only 2. John Giorgio and Joel Bard of Kopelman & Paige have discussed the situation, and variances are almost never upheld if they are appealed. Mr. Giorgio said this is a fairly common thing we're dealing with - it's not proving that the Planning Board doesn't approve of the Board of Appeals. If you want to go forward, have K & P represent the Planning Board and the recipient of the variance defend the variance.

Mr. Lynch said the issue is that the appeal has to be filed by November 4th. Elad General Contractors owns the property, which is out by Mercury Computer. There is enough land for 2 lots and they would have to put in a common driveway to serve 3 lots. Part of the driveway would cross through another zone.

Mr. Lawlor commented that it is not often that the Planning Board has insight into the Board of Appeals decisions. Mr. Lynch said the Planning Board feels that the Board of Appeals has created a subdivision. He feels they wouldn't have to go to the Planning Board, and Joel Bard wrote the letter we received from the Planning Board.

Mr. Dalton said he does not want to vote until we know what is going on and Mr. Lawlor said that we could authorize counsel to file a Notice of Appeal and we could always withdraw it. The Planning Board is the primary elected Board to oversee land use. Ms. Gates said she is afraid that we could authorize counsel to appeal any time the Planning Board doesn't like a decision. Mr. Lynch said the Planning Board met 12 or 13 days after the Board of Appeals gave their decision, and Mr. Dalton and Ms. Gates both said the Planning Board should have attached a copy of the Board of Appeals decision. Mr. Eliopoulos asked if we could get a copy of the Planning Board and Board of Appeals minutes.

Mr. Lynch said that in his opinion he has talked to Jim Pearson and Andy Sheehan and they both have said that this was an odd, unusual decision by the Board of Appeals. Mr. Lynch said that he has never seen the Planning Board ask to overturn a Board of Appeals decision, unless way back in the '80's. Mr. Dalton suggested tabling the matter until Monday in Executive Session.

Atty. Giorgio reached Atty. Bard at home by phone, and asked him if he has any more information as to why the Planning Board voted to appeal the Board of Appeals decision. He said that the subdivision had come before the Planning Board last summer for 3 lots, they were going to reject it and the applicant withdrew it. The Elan Company then went to the Board of Appeals and the decision was in their

favor.

The Planning Board wants to appeal the decision because they feel: 1. that the didn't file a 3-lot plan and 2. there is really no hardship on the land since it can be divided into two lots, and they don't have to have a third. The Planning Board is also upset that the applicant did an "end run" on them.

Mr. Bard said was the granting of the variance legal, and the answer is No, that most decisions are at the Board's discretion. Two lots are okay, but a third is harder to defend.

Mr. Bard said he has given the Planning Board an opinion and that the challenge of any variance is very likely to succeed and a decision is very hard to defend. Mr. Eliopoulos asked that on a scale of 1 - 10 (being bard) is this an 8 or 9, and Mr. Bard said Yes.

Mr. Eliopoulos asked if the Town doesn't protect this variance would they set a precedent, and Mr. Bard said no, this is not binding on the Town.

Motion by Mr. Lawlor, seconded by Mr. Eliopoulos, to authorize Town Counsel to file a Notice of Appeal as requested by the Planning Board in their letter of October 28th. Roll Call vote was as follows: SJG-Nay; WFD-Nay; PME-Aye and PVL-Aye. Vote was 2 - 2, motion failed.

Motion by Mr. Eliopoulos, seconded by Mr. Lawlor, that the BOS meet on Monday, Nov. 3, 1997 at 5:00 or 5:30 pm after the appropriate information is gathered and a copy of the decision is sent to the BOS tomorrow. Roll Call vote was as follows: WFD-Aye; PME_ Aye; SJG-Aye and PVL-Aye.

The Board asked about the Norma Von Fricken matter, and was told that the Board of Health has served notice and she has filed an appeal in District Court.

Attorney Giorgio left the meeting at 8:55 p.m.

Mr. Lynch updated the BOS on the Forum, noting that Billerica is undecided about the new legislation which would give them the land and us the use of the building and us the land in Chelmsford. He has been talking with Rep. John O' Brien from Andover and Mr. Dalton has talked with Rep. Jim, Micelli from Wilmington. Mr. Lynch is meeting with the Billerica Board of Selectmen tomorrow, along with our Chairman and Vice Chairman. Mr. Dalton said he has met with the Chairman of the Billerica BOS and two of his members are trying to fight it. Mr. Lynch said the only way we can fix Brick Kiln Road is to do a boundary exchange. He also explained the legislative process to the Board.

At 9:00 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn the Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SJG- Aye and PVL-Aye.

For the Board of Selectmen, by

J. Dalton

Executive Session of the Board of Selectmen held Monday, November 3, 1997 at 5:00 p.m. Members present were: William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Chairman Peter V. Lawlor was out of Town on business. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present, as were Planning Board members Kim McKenzie, Tracey Wallace Cody and Gene Gilet.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go into Executive Session to discuss pending litigation. Roll Call vote was as follows: PME-Aye; SGW-Aye; SJG-Aye and WFD-Aye.

Mr. McKenzie told those present that this matter involves property at 243 Riverneck Road. The developer came to the Planning Board with a plan that didn't conform to the Town by-law, and the Planning Board gave him options. He withdrew the plan and then went to the Board of Appeals for a variance. Mr. McKenzie talked to a Board of Appeals member the other night, and he went to them for insufficient frontage on the first lot. They had sufficient frontage for two lots but the developer drew in a road and said they have a hardship, which they are creating, for a third lot. Ms. Wallace Cody said they have frontage but not 40 feet back.

Mr. McKenzie said that Assistant Town Engineer George LeMasurier showed them the exact way to get three lots, but that was not the proposal before the Planning Board. Mr. Gilet said that once the matter was brought to the Board's attention they felt that the Board of Appeals shouldn't have granted the variance in the Planning Board's opinion. They wanted a legal opinion and told Town Counsel Joel Bard that they wanted to appeal the Board of Appeals decision.

Ms. Gates said that Joel Bard told them that almost any variance granted would be overthrown if appealed. Mr. Gilet said the Planning Board does not consider this to be a hardship on the property and Mr. Lynch said that most Boards of Appeal don't follow the definition of hardship.

Ms. Gates said that Mr. Bard told them that allowing this would not set a precedent but she thinks that no other Board should be able to challenge the Board of Appeals. Mr. McKenzie said we're doing a grave injustice if we let a developer from out of Town come in and overturn everything that we have in our by-laws. The builder doesn't own this property yet - he could void the Purchase and Sale Agreement, go for a 2-lot subdivision or go the way George LeMasurier suggested to them. Mr. Gilet said the Planning Board wants to stop this and make him do it the right way.

Mr. Lynch said they're trying to create a public road to get three lots but they don't go to the Board of Appeals for that. Ms. Wallace Cody said if they do two lots they won't cross the zoning line. Mr. McKenzie added that this developer tried to re-zone this parcel at Town Meeting twice, and it was withdrawn twice. Mr. Gilet commented that he has been on the Planning Board since 1967 and they have only appealed a decision once during those years. Mr. McKenzie said we hope the Board of Appeals will start to get input from other Boards and Commissions, and Ms.

Wallace Cody said they are circumventing the whole Subdivision Control Law. Mr. Lynch said that a hardship is supposed to be on the land, not economic. Mr. McKenzie said he doesn't know if 3 lots would meet septic system requirements.

Mr. Gilet concluded by telling the BOS that 6 members of the Planning Board met with Joel Bard and it was a 6 - 0 vote to ask for Town Counsel to file an appeal. We lose the right to appeal if we don't do it tomorrow (Tuesday, Nov. 4).

The Planning Board left the meeting at 5:25 p.m.

Mr. Eliopoulos commented that they are not doing this lightly, and he has faith in them as a Board. The Planning Board feels the Board of Appeals went too far. Dr. Weisfeldt commented that the decision said there was one person in opposition and he wonders what was said.

Mr. Lynch said he appoints the Board of Appeals and feels that the Planning Board is justified in challenging this decision. Ms. Gates said she has a problem with the Planning Board actions in general and is upset that they contacted Town Counsel on their own. Mr. Lynch said if he had been contacted first he would have allowed it, and Mr. Bard told him at Town Meeting what they wanted to do.

Mr. Dalton said there are two issues: 1. the people don't own the land, they only have a P & S, and 2. the cul-de-sac goes onto another zone. If 6 Planning Board members voted in favor of this after hearing what we just heard I think we should let them have Town Counsel appeal. If they win the appeal let the developer come back with a plan that conforms to our zoning by-laws. Mr. Lynch said he doesn't think the Board of Appeals was right to make that decision, and Mr. Eliopoulos said it is a major thing for the Planning Board to go after another Board.

Motion by Mr. Eliopoulos, seconded by Mr. Dalton, to approve the Planning Board appealing the Board of Appeals decision in the matter of 243 Riverneck Road. Roll Call vote was as follows: PME-Aye; SGW-Aye, SJG-Aye and WFD-Aye.

At 5:45 p.m. motion by Mr. Eliopoulos, seconded by Mr. Dalton, to adjourn. Roll Call vote was as follows: PME-Aye; SGW-Aye; SJG-Aye and WFD-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Thursday, November 13, 1997 at 8:30 p.m. to discuss real property and pending litigation. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch said this is the third time we have tried to sell the Children's House.

Mr. Lawlor said we have two options: 1. sell it to Doug Marlowe and Linda DeYoung, or 2. take it and move it to Town property.

Mr. Lynch said we don't have time to go out for bids to move it, and it will save the Town \$15 - \$20,000 by not moving it. It will cost them app. \$50,000 to move it and put in a foundation, septic system and fix it up.

Mr. Lynch said the problems he has are:

Trees to be trimmed on High Street and he showed the BOS the path they will take to the development on the left hand side - the old Chigas property. They will have to take down limbs and a big tree and we want him to pay. We said we will pay a portion of the detail costs, up to \$2500.

Mr. Marlowe wants the building available to work on no later than Nov. 24th and to shore up areas and he's not sure the library will be out by then. He won't fill in the foundation and we're removing the furnace and oil tanks. He wants us to clear the land by Dec. 1st and wants us to have an excavator go on site to remove the stone walls and foundation. Mr. Lynch said we won't do that without a written agreement.

Mr. Lawlor said he wants Mr. Marlowe and the mover to be bonded and that he take the house as is. Mr. Lynch noted that the Tree Warden has to advertise the trees to be taken down.

Ms. Gates asked what is happening on the Norma Von Fricken matter and Mr. Eliopoulos asked if we could hold a meeting to give the residents in the area an update. Mr. Lynch said he would rather not do this publicly, just a private meeting.

At 8:45 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, November 17, 1997 at 9:15 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

The subject was pending litigation, a suit filed by Martin Krikorian against Police Chief Armand Caron. Chairman Lawlor stated for the record that we are not going to discuss the substance of the complaints against the Chief, since state statute requires us to notify him 48 hours in advance.

Mr. Lynch summed up where we stand in the lawsuit: Martin Krikorian, a former employee of the Town in the Police Dept., was placed on a medical leave of absence. He filed a lawsuit against the Town and the Chief, and also filed for unemployment, which was denied. The lawsuit was passed on to our insurer and the action against the Town was dismissed by the courts - the judge decided there were not grounds to move forward.

Mr. Krikorian hired Donna Zils-Banfield from Tyngsboro as his attorney and she is now taking depositions. His attorney did not know about the letter dated September 30, 1997. He sent a letter to the Town under the Freedom of Information Act looking for any personnel complaints against the Chief in his personnel folder. There were none and he then asked for any complaints against the Town Manager.

We sent the letter on to Labor Counsel since we have a duty to investigate it. Mr. Krikorian is not claiming he was sexually harassed but it was a hostile work environment, which we have to investigate. Labor Counsel has been in touch with Ms. Zils-Banfield as has the insurance company attorney and she knew nothing about this letter.

Attorney Dee Moschos sent a letter to Attorney Zils-Banfield asking for names, dates, details etc.

Mr. Lynch said that the second sentence in the second to last paragraph sounds like a threat, and we're trying to investigate his accusations. He and his attorney have sent a demand to our insurance counsel for \$750,000. Ms. Zils-Banfield has made the demand and our insurance counsel has talked to her about it. It appears that they don't really care for the money but they want Armand Caron relieved of his duties.

Mr. Lawlor said that the BOS response to this letter should be if someone comes to us with a story of this nature, we have to investigate it. He asked for the Board's permission to send a letter to Mr. Krikorian that we have received his letter and have taken steps to see that these allegations are being looked into. Mr. Dalton wanted to reference what we've sent to him asking for names, dates, etc. Mr. Lawlor and Mr. Lynch both said that this gives the Board the responsibility to do an investigation, and we don't want to lay out to him the steps that have been taken.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to authorize Chairman Lawlor to send a letter to his attorney that we've been informed about the situation and are looking in to it. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

classification in particular.

Ms. Gates asked Mr. Lynch if it a problem for him to get this information and he said No, we can get it form other offices. The Committee could take the information and put it into graph form, but Mr. Lynch said his office could do graphs. Ms. Gates said she could support asking Mr. Lynch to give the information to us.

Mr. Lawlor said he is not prepared to vote on a Standing Committee tonight Motion by Dr. Weisfeldt, seconded by Mr. Lawlor, to table this issue until the next meeting. Vote was 3 in favor, 2 opposed (WFD and SJG).

Dr. Weisfeldt commended Sun Reporter Sharon Weitz on her appearance on the Hot Seat.

At 9:10 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

J. D. E. Carter

Executive Session of the Board of Selectmen held Monday, December 1, 1997 at 6:30 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Town Counsel John Giorgio, Adm. Asst. Judith Carter and Board of Health members Dr. Paul Canniff, Peter Dulchinos and Douglas Hausler and Public Health Director Richard Day were also present.

At 6:30 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go into Executive Session to discuss pending litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye. The Board of Health also went into Executive Session, with all members saying Aye.

Mr. Lynch said that Mr. Hausler from the Board of Health and Mr. Eliopoulos from the BOS have been working with him and Mr. Giorgio on the Host Community Agreement with Mass Gravel. There is a Consent Order from DEP that allows the project to go forward. The Town is trying to control the routes and times of the dumping of Central Artery fill.

Mr. Giorgio gave members the latest draft of the Agreement and went over the changes. Mass Gravel has completed the interim grading plan and DEP has allowed them to measure the fill in place. Mass Gravel now has to submit the closing plan to DEP before they can bring in any more fill.

Under Operation of the site, Mr. Giorgio noted that only Central Artery materials may be brought to the site and must comply with the DEP contaminated soil policy.

3.2 Comply with DEP requirements

3.3 the truck routes allowed; hours of delivery - now only during the day but they want to be able to make night time deliveries. Mr. Dalton said that should be subject to the approval of the BOS and Mr. Giorgio said this language may be enough - there is a complaint procedure. We will add either 1. to get hours changed with the consent of the BOS or 2. provide the BOS notice when there is nighttime dumping. Mr. Lawlor said at the second tier should be subject to revocation by the BOS if detrimental to a residential area. Mr. Lynch and Atty. Giorgio said they can tighten this language up. Mr. Giorgio added that they will maintain a toll free Hot Line.

3.4 limit of 200 trucks/24 hour period, or 30 trucks/hour which is recommended by DPW Director Jim Pearson. Mass Gravel can't drop dirt on roadways and bulldozers on the site are limited to two, because of the noise factor.

3.7 scale house reports on the amount of materials coming in.

3.8 material will be stored until test results are in, so we can identify it.

3.9 testing procedure - Mike Scipione of Weston & Sampson is satisfied with this procedure. We will decide when we want tests for the 150 soil samples provided, and it is our choice as to whether to have Weston & Sampson there for the testing. They don't have to be present for all the tests but some Town official should be.

3.10 contaminated materials - Mass Highway is ultimately responsible and we can impose a penalty if they leave it there for more than 14 days. Mr. Eliopoulos said he is afraid they won't do it, and Mr. Giorgio said the Board of Health can issue an

enforcement order. Mr. Giorgio said that this is covered by 6.2 and Mr. Hausler said we already have that language. Mr. Eliopoulos said he wants it in there, and Mr. Lawlor said that as long as we have language that says legal reminders may not be adequate and equitable reminders would do.

3.11 20% compacted and approved by DEP. Mr. Giorgio said a minimum permeability rate is required by DEP but more than that is OK and will be more revenue to the Town. They can't remove any materials from the site unless it is contaminated.

3.12 plans to be submitted to the Town.

3.13 Mass Gravel will provide closure activities to permit post closure use and submit plans to Town Boards.

4.00 fees - Mr. Giorgio said it was hard to get them to come up to \$.50 per cu. yard and if they haven't paid that much they have to make up the difference to the Town up to \$1,000,000.00.

5.1 the DEP has required a bond of \$500,000 and they won't allow the Town to be named as an additional obligee. Mr. Giorgio said that our only issue is do we have to be careful that the DEP won't require closure. Mr. Giorgio had asked Mass Gravel Attorney Barry Fogler what would be the cost for a second performance bond and he said \$70,000, and they won't pay that. Mr. Lawlor said we could take a first mortgage on the property if we spent \$70,00 to buy a second bond. He added that he sees that \$1,000,000.00 as the largest and most imminent benefit to the Town. Mr. Giorgio said that without an end date written into the contract they can go on indefinitely. We could add an end date to 4.1 or add 7/1/99, whichever comes first.

Mr. Hausler said he can see Mass Gravel using other sites and they could purposely go bankrupt so as not to have to pay the \$1,000,000. He believes we need some sort of bond, and we should negotiate so as not to have the Town pay the full cost. Richard Day said that if the only purpose at that site was to grade and cap we would only need about 30% of the materials proposed.

Mr. Giorgio said he will look into obtaining a second bond through reduced Host Community fees. Mr. Hausler said with that agreement it's a small price to pay so that we're not at the mercy of DEP and Mass Gravel. Mr. Lynch said he understands the desire to have a surety bond but he thinks DEP is good protection for us.

Mr. Lawlor said should Mass Gravel find an alternate site more attractive the City of Lowell could bring action - it would be detrimental to their landfill and their Stedman Street businesses. They could argue a common law nuisance or a health violation. Mr. Giorgio said that the Administrative Consent agreement order requires Mass Gravel to complete the closure and DEP would enforce it. Mr. Lynch thinks that Lowell would have done something by now, and Mr. Giorgio said there may be some residual liability on Lowell's side. Mr. Day said that Lowell said nothing until DEP signed off on their closure. Mr. Giorgio said there is such pressure on Mass Gravel to get the material dumped that DEP would probably enforce the 750,000 cu. yds. Ms. Gates said she is more concerned that we find contamination but Mr. Giorgio told her that the DEP bond that has been posted guarantees capping and

closure.

Mr. Giorgio said he would like to put in the proviso that the fill is all put in, that the bond can be called by DEP to cap the landfill but wouldn't provide post closure use. He's not sure a bond would do us much good in that matter. Mr. Day commented that site is reasonably flat and with 750,000 cu. yds it will be a mound. He doesn't think that this site is high on the DEP list except for the Mass Highway dumping.

Mr. Giorgio said it appears that the agreement as negotiated is acceptable with certain exceptions and went through the rest of the provisions 8 - 14. He said we have spent about half the monies allocated between fees for Kopelman & Paige and Weston & Sampson. He will put in an end date under the Consent Order and work on the performance bond matter.

Mr. Hausler said he received a letter from a resident of Courthouse Lane and she saw a liquid fuel container truck going into the site, a cylinder type truck. He said it could be used as fuel for the bulldozers, or to water down the site. He will fax the letter to Mr. Giorgio. We will ask the Police Chief to have cruisers drop by and monitor operations occasionally.

Mr. Lawlor said that Sec. 10.1 "reasonable time to close" is too ambiguous and he wants to put in indexed time periods. He gave Mr. Giorgio an idea of the language he might put in and Mr. Giorgio said conceptually he has no problem with that.

On another matter Mr. Lynch told the Board that the case of Norma Von Fricken is going to court tomorrow afternoon.

At 7:45 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Open Meeting. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

J. J. E. Catu

Executive Session of the Board of Selectmen held Monday, December 15, 1998 at 6:30 p.m. Members present were: William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Chairman Peter V. Lawlor joined the meeting in progress. Town Manager Bernard Lynch, Town Counsel John Giorgio, Adm. Asst. Judith Carter and Board of Health member Douglas Hausler were also present.

Vice Chairman Dalton called the meeting to order. Motion by Mr. Eliopoulos, seconded by Dr. Weisfeldt, to go into Executive Session to discuss strategy re litigation and acquisition of real property. Roll Call vote was as follows: PME-Aye; SGW-Aye; SJG-Aye and WFD-Aye.

Attorney Giorgio went over the Host Community Agreement between the Town and Mass Gravel, Inc. noting the changes that have been made.

Page 3: the BOS may prohibit deliveries; 3.9 150 tests based upon an analytical method; to be conducted by mutually agreed upon laboratory.

Page 5: to be clear that they have delivered the full 750,000 cubic yards by a specified date.

Page 7: Security for Performance: will add a paragraph that within 30 days Mass Gravel has to provide a payment bond of the Host Community fee for up to \$250,000. Mr. Giorgio added that there is reasonable protection with the DEP bond also.

Page 8: a change as recommended by Mr. Lawlor: the BOS will not assent that any variance is required.

The Board then asked that in Sec. 10.1 - put in 30 days to complete changes in noise complaint procedures.

Mr. Hausler said that since there is no quorum for the Board of Health to go into Executive Session he would like to state that he is in favor of the Agreement and hopes the BOS will adopt it.

Mr. Lawlor read a letter from Dr. Paul Canniff, Chairman of the Board of Health, stating for the record that he is opposed to the project and wants all parties involved to reject this proposal. Mr. Hausler commented that Dr. Canniff has taken this position since Day One.

When Mr. Lawlor asked, Attorney Giorgio said that the BOS can vote in Executive Session and announce the decision in Open Session. The BOS is discussing pending litigation and he will file a letter of dismissal.

Mr. Hausler said that Board of Health member Peter Dulchinos has indicated that this positive agreement puts us in a better position than the pending litigation. He added that Public Health Director Richard Day and Assistant John Emerson are both in favor of the agreement.

Mr. Lawlor said the agreement tonight addresses all the issues we had last time, but he stated that he is not in favor of it, and hasn't felt it was a good thing since Day One. It is the best of lousy options. Ms. Gates asked if he thought we could win in a lawsuit, and he said Yes in the zoning matter. He doesn't believe it is a

permitted use or that they comply with zoning or that it is a pre-existing permitted use. If we had taken this position early on of fighting it, we would have found a sympathetic ear. Ms. Gates asked what are the consequences of losing, and Mr. Lawlor said they can do what they're doing without Town payment or controls with the Community Host Agreement. He doesn't judge the risks as not likely. Ms. Gates asked what is the upside of the suit if we win, and Mr. Lawlor said we don't become party to an ill-advised landfill situation. They should have gone through the proper channels and we are being offered money to accept dumping.

Mr. Dalton asked Mr. Giorgio what he thinks, and Mr. Giorgio said we think it would have been difficult to win in a zoning action. We would have to prove that the use had been abandoned for over two years and we haven't come across any additional information that would increase our chances of winning. If we had an affidavit in place, there would be affidavits on the other side saying that dumping has not been abandoned.

Mr. Lawlor said that this is a difference of opinion, not that someone's determination is legally flawed or someone else's is superior. He feels our legal position is weaker now than when we first brought it up.

Dr. Weisfeldt said his greatest concern was testing but now that the safeguards are built in he is comfortable that we've worked out a pretty good arrangement. However, he respects Mr. Lawlor's opinion.

Mr. Eliopoulos said he was one of the strongest against it and doesn't like the way they did it. We could drag it out long enough in court to make them go away, but now we have the best agreement possible. Mr. Lawlor said that he is not attacking the quality of the agreement.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve the Host Community Agreement. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW_Aye; SJG-Aye and PVL-Nay.
Motion carried on a 4 to 1 vote.

Mr. Lynch told the Board about some Boy Scout property, 6 acres next to Lamplighter Green. This property was conveyed to the Boy Scouts for \$1.00 in 1947, with a clause that the grantee shall never grant to anyone except the grantor. This becomes null and void in 50 years. Attorney Patty Talty is representing the Boy Scouts.

Ms. Gates said she sits on the Board of Directors for the Boy Scout Council. Mr. Giorgio recommended that she not participate in the discussion and leave the room.

Ms. Gates left the room.

Mr. Giorgio said the statute that says that the restriction only lasts 50 years doesn't apply. The right of first refusal shows interest in real property and can dispose of it by Board of Selectmen vote and Town Meeting vote. Ms. Talty is also of the opinion that this is interest in real property. If the BOS wants to grant

this, it requires the approval of Town Meeting.

Mr. Lynch said the Boy Scouts had wanted to sell this property to Jay Finnegan, who has said No, or to Paul Sullivan. They would take the profits of the sale to pay off debts and improve their East School building. We can't find any Town Meeting vote approving the sale. Mr. Lawlor asked how can we forego interest under Chapter 61A, and Mr. Giorgio said the BOS can assign the rights to a conservation foundation. Mr. Giorgio said the BOS has the right of first (they can't grant to anyone except the Town) and we would have to agree with them on a purchase price.

Mr. Lawlor said if the Boy Scouts and Paul Sullivan have a Purchase and Sales Agreement, let them present it to us.

Mr. Lynch said the Fire Department would require a second right of egress, and Mr. Lawlor asked if the Center Water District could have an interest in it. Mr. Lynch said we'll ask them to present it to us in writing and we'll proceed like any 61A property.

Ms. Gates came back into the conference room.

Mr. Eliopoulos asked if we can refuse to renew a license for non-payment of taxes and Mr. Lynch said if it is a liquor license we will have to hold a disciplinary hearing first.

Mr. Lynch said he met today on the Forum and Mr. Finneran will not sign on the legislation. They're offering a 25 year lease from the State, with two 10 year options to renew. Consideration would be for the Town to continue using the Forum and we'd still have to pay Billerica. Three years ago we thought we would have to buy it and now can get it for free. At the end of the 25-year period we could buy it at fair market value minus any improvements we've put into it.

Ms. Gates said she wants to see a list of any property turned over by the State for the last 5 years.

At 7:20 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Open Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Carter

Executive Session of the Board of Selectmen held Monday, January 5, 1998 at 9:10 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and Judith Carter, Adm. Asst. were also present. The subject was pending litigation and collective bargaining.

Mr. Lynch said we have received a letter from Attorney Shanahan re a Nickerson parcel of land, one that we didn't make Nickerson deed back from Barbara Harrington. The BOS decided not to make them give back this one piece. Now Mr. Shanahan wants a written vote stating that the BOS authorized Town Counsel to withdraw it. The Board asked Mr. Lynch to run this by Town Counsel John Giorgio. Mr. Lawlor said that the BOS has a concern that we are retroactively giving our blessing on something that we didn't authorize.

Mr. Lynch asked about his contract saying that he has a buyout of accumulative time. His next scheduled payment is due July 1st and he would like to get it now. It is app. \$9,000. Mr. Lawlor asked Mr. Lynch to do a letter to the Board and ask them to sign it. They can ratify it at our meeting of January 26th, or at our meeting with the Sewer Commission.

At 9:15 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Carter

Executive Session of the Board of Selectmen held Monday, January 26, 1998 at 9:10 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Town Counsel John Giorgio were also present.

Attorney Giorgio gave the Board a status report on pending litigation dated January 14, 1998, noting that they have closed 12 cases over the past year and there are 19 open, mostly Planning Board zoning cases. The Town is in excellent shape litigation wise.

He discussed case No. 3 - Country Club Realty Trust. K & P has asked them to settle. Ms. Gates asked if we couldn't have a motion to compel them to resolve. Mr. Giorgio said the only issue is the value of the property, a single issue case, and is a battle of the experts. Mr. Lawlor asked if there is any discovery deadline coming up and Mr. Giorgio said we don't typically do depositions in this type of case. He'll discuss the motion to compel with Pat Costello.

#1 - Town vs. George Kalos - the hearing has been re-scheduled to February.

The BOS then discussed the Nickerson case, referencing a letter from Attorney Shanahan dated Dec. 18, 1997. The Town released 3 out of 4 lots to Mr. Nickerson when he paid the outstanding taxes in 1994. He is requesting written confirmation from the BOS that the Town Counsel had authority to file the Motion to Withdraw Petition to Foreclose Rights of Redemption in connection with this property as allowed by the Land Court in Nov. 1994.

Mr. Lynch said they paid their taxes, but we hadn't followed our usual procedure of authorizing Town Counsel to vacate. On the other 3 lots they paid the taxes and Nickerson got the land back.

Mr. Lynch suggested that we write a letter to Mr. Shanahan that Town Counsel had the authority to file, or we can ratify the act.

Mr. Lawlor said there is no cloud on the title, that Town Counsel had apparent authority, but not actual. We can tell him that record to the title speaks for itself and there is no need for the BOS to take any action.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to do so. Roll Call vote was: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

On the Boy Scout matter, there is no letter yet from Attorney Patty Talty. Mr. Giorgio had said that Jean McKnight had spoken to her and he will ask Attorney McKnight to follow up on it.

Re the Carye property, Mr. Eliopoulos said we have the Phase I to do HazMat, and the Purchase and Sale is contingent upon us being satisfied. Mr. Lawlor said that prior to taking title, if you come up with something everyone who has owned the property is a Prior Responsible Party until they can prove they weren't involved with the release of these materials. The current owner is responsible and since it abuts a Town landfill it would be our own contamination. Mr. Giorgio said you could do a Phase 1 site history and walk over. Mr. Lawlor then said he doesn't feel this as an

upside to doing tests on this decided and the BOS decided that we will not investigate further.

Mr. Lynch said he and Fred Mansfield consider this a paper transaction and Fred has the authority to handle it.

The Norma Von Fricken case is going to court on February 13. Ms. Gates asked if we could put on a warrant article by-law stating that no one can live in cars. She is afraid someone is going to harm her. Mr. Giorgio said we have plenty of cause under the State Sanitary Code. Ms. Gates asked what can we tell the residents and Mr.

Giorgio said to say that we've taken the steps that the Town can take.

Mr. Eliopoulos said he wants a memo from Town Counsel as to what has happened and what's going on. Could we start a civil case as well as criminal? Mr. Giorgio said yes, but he is skeptical - he has seen cases in the past and it takes a lot of time and money in the courts.

At 9:50 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Carter

Executive Session of the Board of Selectmen held Monday, January 26, 1998 at 9:10 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Town Counsel John Giorgio were also present.

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Mr. Lawlor said there is no cloud on the title, that Town Counsel had apparent authority, but not actual. We can tell him that record to the title speaks for itself and there is no need for the BOS to take any action.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to do so. Roll Call vote was: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

On the Boy Scout matter, there is no letter yet from Attorney Patty Talty. Mr. Giorgio had said that Jean McKnight had spoken to her and he will ask Attorney McKnight to follow up on it.

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Mr. Eliopoulos said he wants a memo from Town Counsel as to what has happened and what's going on. Could we start a civil case as well as criminal? Mr. Giorgio said yes, but he is skeptical - he has seen cases in the past and it takes a lot of time and money in the courts.

At 9:50 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Carter

Executive Session of the Board of Selectmen held Monday, February 9, 1998 at 9:40 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Julie Lefebvre were also present. The purpose of the meeting was to discuss real property.

Ms. Gates left the room and did not participate in the meeting due to a conflict of interest since she is on the Executive Board of the Boy Scouts.

Mr. Lynch said we have received formal notice that the Boy Scouts are selling their property on Richardson Road. The monies received will be to make improvements on their

Carlisle Street property and they also would like to do some programs with our Recreation Commission.

The next step is to go to Town Meeting and get permission to sell the property since with our right of first refusal they basically can't sell the property to anyone but us. We have an interest in this property by deed.

Mr. Lynch asked the BOS if he thinks we should mandate that they improve the East School property - it has been horribly maintained. We sold it to them for \$31,000 and we do have a reverter clause that has a more specific right of first refusal.

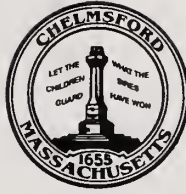
Mr. Lawlor said we can ask them if some of the proceeds can be committed to East School improvements. Mr. Eliopoulos said he didn't think they would have a problem with this.

Mr. Lawlor said that the BOS would ask the Town Manager to go to them and ask them to commit in writing that they will make improvements to their property. This would make it easier to get permission to sell from Town Meeting.

At 9:50 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn Executive Session. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye and PVL-Aye.

For the Board of Selectmen, by

Julie E. Carter



BOARD OF SELECTMEN EXECUTIVE SESSION
April 9, 1998

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An executive session of the Board of Selectmen commenced on April 9, 1998. Board members present at the meeting were as follows: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch was also at the meeting.

To familiarize the two new Board members with the most current legal topic, B. Lynch presented the Boy Scout property issue to the selectmen. The Boy Scouts had asked the town to allow them to sell some land that the town had sold to them back in the 1940s for a dollar. The land sale included a reveter clause. A previous discussion on the subject yielded the decision to let Town Meeting decide whether or not to let the Boy Scouts sell the land on the open market.



BOARD OF SELECTMEN EXECUTIVE SESSION

April 13, 1998

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An executive session of the Board of Selectmen commenced on April 13, 1998, at 9:15 p.m. Board members present at the meeting were as follows: William F. Dalton, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. (Stuart G. Weisfeldt was not in attendance as he was out of town on vacation.) Town Manager Bernard Lynch was at the meeting as was Julie Lefebvre, Executive Secretary.

TEMPORARY RESTRAINING ORDER—TOWN OF BILLERICA

B. Lynch presented the status of the ongoing dispute with the Town of Billerica over a temporary restraining order. Billerica is anxious to find out when Chelmsford is going to go back to court to have the order lifted. Billerica wants to form a committee to discuss the issue. The residents of Alpine Road would like to close off the street by putting in a cul-de-sac near Brick Kiln Road. However, since Alpine is not entirely in Billerica, Chelmsford's approval would be required.

The restraining order will be enforced until matters on Brick Kiln Road have been resolved. B. Lynch feels that this will be as soon as Brick Kiln Road is paved. He mentioned the possibility of Alpine Road residents applying for a truck exclusion, which would cause problems if Brick Kiln Road ever were to be shut down again. B. Lynch told Judy Pickett that Chelmsford would not lift the restraining order on Brick Kiln Road until the road is paved.

THE KEENAN CASE

B. Lynch said that litigation on the Keenan case has been around for quite some time. When Cranberry Bog was privately owned, workers would open the gates each fall to let water out and then let the water in again in the spring. There was a period of time, however, when the bog was not used at all and so the dam was not opened up. This led some residents to complain that the water level was damaging their properties. Subsequently, the town developed a management plan to let the water out. Some residents, insisting that the water was still flooding their properties, hired an attorney, Charles Zaroulis, to sue the town. The insurance company the town had at the time refused to cover the lawsuit, which all but the Keenan's have since abandoned.

The Keenan's are being permitted to present their case in court before a jury, and they have chosen to represent themselves. The Keenan's claim that their house, which does not have a foundation, has become tilted and damaged because of water from the Cranberry Bog, and they are looking for \$25,000.

Town Counsel speculates that Chelmsford would probably lose the case in court but win in an appeal. Because of the expense involved in a court trial, B. Lynch suggested trying to settle with the Keenans for \$5,000 to \$10,000. If the Keenans don't accept the settlement, the town would then have to decide what course of action to follow. B. Lynch said that he believed it was now too late for the other parties originally involved in the lawsuit to reenter the case but would double check on this.

P. Eliopoulos said he would not be in favor of settling unless the town would save money by doing so, and it was his belief that it wouldn't cost as much as \$10,000 for this type of trial. B. Lynch said he would further discuss the case with John Giorgio and, once he has more information, the board could talk about it again.

BOY SCOUT LAND

B. Lynch said that the Boy Scouts had recently contacted the office expressing their interest in selling a piece of property they own near Penny Lane. They claim they no longer use the property and would like to use the money they could make from its sale to rehabilitate the East School. The Boy Scouts' attorney is taking the position that the reverter clause on the land expired after 50 years.

B. Lynch, who had Town Counsel and the Town Clerk look into it, said that the reverter clause meant that the Boy Scouts could not sell the land to anyone but the Town of Chelmsford. However, since Town Meeting never voted on it, the BOS in place at that time essentially sold the property without having the proper authorization to do so. Chelmsford Town Counsel said that the reverter clause has not expired. After a discussion, the BOS concurred to let Town Meeting make the determination as to whether or not the Boy Scouts should be allowed to sell the land, and a warrant article was put on the Town Meeting warrant.

B. Lynch said that the property was large enough to accommodate three to four houses, which would translate into only about \$15,000 a year in taxes to the town. If sale of the land, which has an assessed value of \$20,000, is voted down, the Boy Scouts won't have the money to fix the East School property.

P. Eliopoulos said that as long as the town prevents the Boy Scouts from selling the land, it will remain as open space. The only incentives for town to buy the land back from the Boy Scouts would be to see improvements done at the East School or to have the space to use for something, such as a ball field.

T. Moran said that he didn't think the land sale would pass at Town Meeting. He himself wouldn't vote for it, especially where he had campaigned for open space. P. Eliopoulos mentioned the possibility of the Boy Scouts suing the town over this. W. Dalton raised the possibility of the Boy Scouts going out of existence if the town does not consent to their selling the land. T. Moran mentioned that developing the land might expose the neighborhood to noise from Route 3.

B. Lynch mentioned the possibility of the town buying the land. P. Eliopoulos said that although he was 100 percent for open space, there are a lot of items on the five-year plan. It wouldn't be a

good financial decision for the town to buy the land just to appease the neighbors. W. Dalton suggested putting the decision off until the BOS meets with John Giorgio prior to Town Meeting.

LABOR NEGOTIATIONS—SUPERIOR OFFICERS

B. Lynch said that Town Meeting has approved adoption of the Quinn Bill, which provides for 50 percent state reimbursement for higher education, effective in 1999. The town will only be responsible for its share—Associates (10%), Bachelors (20%), and Masters (25%). There are eight superior officers in the Police Department.

P. Eliopoulos made a motion to accept the contract proposal for superior officers. The motion was seconded by M. McCall and a roll call vote in favor proceeded as follows: WFD—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

FIRE FIGHTERS SETTLEMENT

W. Dalton left the room. B. Lynch said that mid-steps had been added to the five-step wage system so that firefighters could move up each year before eventually reaching the maximum salary. This new system, which is retroactive, will cost the town more money. The town will limit payment for EMT courses to a one-time-only \$1,500. B. Lynch said that the union wanted 10 percent shift differentials, which would have been extremely costly to the town, but this was turned down. The education reimbursement is relatively insignificant in terms of cost to the town, because it is only applicable toward a degree in fire science and few fire fighters pursue college degrees. In addition, the contract text will be revised to include the female gender.

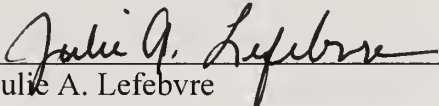
B. Lynch said that the town's total exposure to the contract will average about \$200,000 to \$250,000 a year with next year being the worst in that about \$300,000 is being added to the firefighter's budget. Money to cover this increased cost has already been put aside. B. Lynch said that the firefighters made the most concessions at the end and that overall he was pleased with the outcome.

P. Eliopoulos said that it was good that the town didn't have to go to arbitration. He asked if anything in this contract could cause the police to re-open negotiations. B. Lynch said that nothing in the contract would cause this.

P. Eliopoulos made a motion to accept the fire contract. The motion was seconded by T. Moran and a roll call vote in favor proceeded as follows: PME—Aye, TEM—Aye, MFM—Aye.

At 10:16 p.m. P. Eliopoulos made a motion to end executive session. The motion was seconded by M. McCall, and a roll call vote in favor proceeded as follows: PME—Aye, TEM—Aye, MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary

cc: ~~Town Clerk~~
~~Finance Committee~~
~~School Committee~~



BOARD OF SELECTMEN EXECUTIVE SESSION April 30, 1998

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An executive session of the Board of Selectmen commenced on April 30, 1998, at the Senior Center, 75 Groton Road, Chelmsford. Board members present at the meeting were as follows: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch was at the meeting as was Julie Lefebvre, Executive Secretary. John Giorgio from Kopelman and Paige was at the meeting to present the Board with a legal update.

At 6:30 p.m. W. Dalton made a motion to begin executive session to discuss the acquisition of real property and to obtain a legal update from town counsel. The motion was seconded by P. Eliopoulos and unanimously approved by the BOS.

LEGAL UPDATE

John Giorgio handed out a Litigation Status Report, dated April 30, 1998, that he had prepared. The following cases were discussed:

Chelmsford Director of Public Health v. Norma VonFricken

After the Health Director appeared in District Court on this case, a judge ordered Ms. VonFricken to undergo psychiatric evaluation and she was subsequently admitted to Tewksbury State Hospital. B. Lynch asked if her car could be removed from the property and stored somewhere in town. J. Giorgio said that the vehicle is private property and this couldn't be done without a court order. This would mean that someone would have to act legally upon Ms. VonFricken's behalf. B. Lynch suggested possibly bringing up this issue in court.

Chelmsford Historic District Commission v. Kalos

The court agreed with the Historic Commission and ordered the neon sign to be removed. The town will bring the case back to court if the defendant fails to comply.

Country Club Estates Realty Trust, Inc., v. Town of Chelmsford

The town is waiting for this case to be brought to trial.

Joe Doe #42 v. Sex Offender Registry Board

The issue in this case is whether or not there should be a hearing before classifying sex offenders into one of the four different categories.

Keenan, et al. v. Town of Chelmsford

This case could cost the town up to \$20,000 in litigation costs if it goes to appeals court. The Keenans claim that they have spent \$15,000 on their house repairing damages that they claim are due to the town's negligence in maintaining the cranberry bog dam. Since there was a dam exclusion in the insurance policy the town had at the time the alleged damage occurred, this case was not covered by insurance. The Keenans are demanding \$40,000, and a trial is scheduled for June 22, 1998. B. Lynch suggested offering to settle with the Keenans for \$10,000 or \$15,000.

S. Weisfeldt made a motion to authorize town counsel to offer settlement with the Keenans for no more than \$15,000 but starting at \$10,000. The motion was seconded by P. Eliopoulos and a roll call vote proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Krikorian v. Town of Chelmsford

This case is being brought against Armand Caron. The town's insurer appointed counsel to defend the town. B. Lynch suggested that the case be reviewed in terms of indemnification. The police officer stopped coming to work, went out on a medical leave of absence and then said he was "constructively discharged" because of the way he was treated by the Chief.

McSweeney v. Town of Chelmsford, et al

This is an action against the Chief of Police and a police officer who collected rent while in uniform. The town's insurer referred the matter to the firm of Mahoney & Miller.

Town of Chelmsford v. Natale Sergi, et al

This case was originally handled by former counsel. The town received a judgement against Sergi, who then appealed it. Around the time the case was appealed Kopelman and Paige became town counsel. Since Mr. Sergi has filed for bankruptcy, the town won't be able to recoup the \$160,000.

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John Giorgio said that the town is in good health from a legal standpoint in that there are no cases that are particularly troublesome.

P. Eliopoulos asked if town counsel could provide training classes to the Board of Appeals, the Conservation Commission as well as the other land boards. John Giorgio said that Kopelman

and Paige could provide this service at no cost to the town. B. Lynch suggested offering these classes in July.

B. Lynch mentioned that the BOS is planning to hold a public hearing this evening on the revocation of the All Alcohol License held by Bo-Mar-Fig. The town has received a letter from the attorney representing the licensee saying that his client has filed for bankruptcy, which prohibits any action on the town's part to retrieve the license. J. Giorgio said that there are ways to get relief from the automatic stay, which might be a viable option if someone else were interested in obtaining the license. One of the attendees mentioned that a variety store at Vinal Square had called the office expressing an interest in the license. The selectmen decided to continue the hearing at the next regular BOS meeting.

At 7:15 p.m. W. Dalton made a motion to come out of executive session. P. Eliopoulos seconded the motion, which was followed by a unanimous vote in favor.

At 7:25 p.m., after a brief open meeting, W. Dalton made a motion to go back into Executive Session. The motion was seconded by P. Eliopoulos and a roll call vote followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

BOY SCOUTS

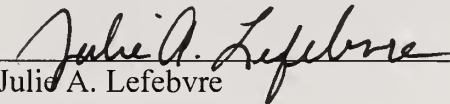
With reference to the property the Boy Scouts had applied to the town for permission to sell, John Giorgio said that the deed on that property contains both a reverter and a restriction. The restriction means that the Boy Scouts can't deed the land to anyone but the Town of Chelmsford. The restriction is still valid although the reverter has expired. A majority vote at Town Meeting can authorize the BOS to make a motion either approving or disapproving the Boy Scouts' request, but a Town Meeting vote cannot make the BOS act. It is up to the BOS to make the final decision.

If the town does permit the Boy Scouts to sell the land, the town could include in the deal restrictions as to how many houses are built on the site. Any such restrictions would be recorded and they would then be enforceable with subsequent owners. The Boy Scouts could take their case to land court or superior court if it doesn't pass at Town Meeting.

T. Moran mentioned the potential tax money that could be gained if the town allows the land to be developed. B. Lynch said that the biggest incentive the town could derive by allowing the Boy Scouts to sell the land would be to see the East School refurbished. Should the decision be to let the town buy the land, he does not envision paying more than \$100,000 for it nor does he see the land as being a particularly attractive investment for the town. P. Eliopoulos said that if Town Meeting were to approve sale of the land, it would open up more options. M. McCall commented on the irony of the town's paying thousands of dollars to buy back something it had sold for one dollar. W. Dalton suggested making a motion to wait until all questions and debates had been heard at Town Meeting before the Board offers its recommendations, but no formal motion was made.

At 7:40 p.m. W. Dalton made a motion to adjourn executive session. The motion was seconded by P. Eliopoulos and a roll call vote followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary

~~cc. Town Clerk
Finance Committee
School Committee~~



BOARD OF SELECTMEN EXECUTIVE SESSION
June 1, 1998

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An executive session of the Board of Selectmen was held on June 1, 1998, at 10:05 p.m. at the Chelmsford Country Club, 66 Park Road, Chelmsford, Massachusetts. The Board members present at the meeting were: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch was at the meeting as was his assistant John Coderre. Julie Lefebvre, Executive Secretary, was also present.

LITIGATION

At 10:05 p.m. S. Weisfeldt made a motion to enter into executive session to discuss litigation. The motion was seconded by P. Eliopoulos and a roll call vote in favor proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

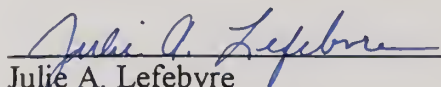
B. Lynch informed the Board that settlement discussions on the Keenan case (Cranberry Bog) had been put on hold due to the recent death of Mr. Keenan.

PUBLIC MEETINGS

With reference to the meeting that the Board voted in favor of initiating with the State to discuss the Freeman Bike Trail prior to the 25 percent public hearing, B. Lynch advised the selectmen that they should be aware that every meeting is an open meeting. Additionally, he said that he had a meeting set up with the State for Tuesday, June 9, 1998, to discuss Chelmsford's concerns relative to the bike path. If the Board is present at the June 9 meeting, it will be considered an open meeting. Even if just the Chairman and the Town Manager attend, the two can be construed as a subcommittee of the Board.

At 10:15 p.m. W. Dalton made a motion to end executive session. The motion was seconded by P. Eliopoulos and a roll call vote in favor proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION

June 15, 1998

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An executive session of the Board of Selectmen was held on June 15, 1998, at 10:30 p.m. at the Chelmsford Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. The Board members present at the meeting were: William F. Dalton, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. (Stuart G. Weisfeldt, who was out of town on vacation, was absent.) Town Manager Bernard Lynch was at the meeting as was Julie Lefebvre, Executive Secretary.

LITIGATION

All Alcohol License—Bo-Mar-Fig

B. Lynch advised the Board that Town Counsel recommended that the Town let the Bo-Mar-Fig trustee sell the license with the understanding that the Board of Selectmen would have to approve the transfer of the license in due time. B. Lynch also said that the Town would not make any money in the sale of this license anyway.

T. Moran asked what would be done if someone wanted to buy the license in the meantime. B. Lynch answered that a license cannot be denied without a good reason. P. Eliopoulos mentioned that it would cost the Town money to try to repossess the license while it is being held as an asset in the bankruptcy proceedings. He further pointed out that no matter who is in possession of the license, the BOS has the final say on its transfer.

B. Lynch said there are two benefits that will be realized by leaving the license with the Bo-Mar-Fig attorney. First, the Town will not incur any litigation expenses. And, second, Bo-Mar-Fig owes the Town property taxes. The more money the Bo-Mar-Fig attorney can amass, the more property tax dollars the Town will get back.

P. Eliopoulos asked if the license could wind up in the hands of a creditor, and B. Lynch said he would check with Town Counsel on this.

The Keenan Case

B. Lynch said that the Town tried to settle with the Keenans for \$10,000 and then went to \$15,000, but the Keenans were unwilling to settle for anything less than \$17,500 plus repair of the retaining wall. They claim that the high level of water combined with icing in the winter damaged the wall. B. Lynch said he doesn't think Cranberry Bog had anything to do with the retaining wall damage and cited the lack of a foundation in the house as the real culprit.

B. Lynch continued on to say that the Keenans had filed under negligence but that there isn't any evidence of negligence on the Town's part. They should have filed under nuisance, and this distinction was what the Town would use in an attempt to win in an appeal.

P. Eliopoulos said he was concerned that if the Town undertook repair of the wall, it would open up future liability issues, and he asked what the estimated cost was to fix the wall. B. Lynch said that his guess was that it would probably run the Town about \$5,000. He continued that if the case were to go to trial, the Town would face both negative exposure as well as the possibility of having to pay out more money.

T. Moran suggested that the Town give the Keenans the money to do repair work to the walls themselves so as not to incur any future liability. W. Dalton suggested reducing the money the Keenans were asking for and having the Town do the repair work. T. Moran then threw out the idea of having the Keenans obtain three bids on the repair job before making a decision.

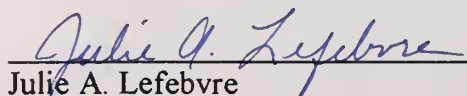
P. Eliopoulos said it would be best to offer a total settlement and not get involved in any way in repairing the wall. This would get the Town off the liability hook. M. McCall asked if the house was a seasonal or year-round dwelling, and P. Eliopoulos said that there was nothing in the bylaws that distinguishes between the two. T. Moran then suggested increasing the cash amount and leaving the repair work for the Keenans to do just to settle the case even though everyone present at the meeting believes that the Town is not at fault.

P. Eliopoulos suggested offering a final settlement of \$22,500 tomorrow morning with a deadline of Thursday, June 18.

P. Eliopoulos then made a motion to offer settlement on the Keenan case for \$22,500, such offer to be made on Tuesday morning, June 16, 1998, with the stipulation that the offer be accepted no later than Thursday, June 18, 1998, at 5:00 p.m. Should the offer be refused, the Town would opt to go to trial. The motion was seconded by T. Moran, and a roll call vote in favor proceeded as follows: WFD—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

At 11:00 p.m. P. Eliopoulos made a motion to end executive session. The motion was seconded by T. Moran, and a roll call vote in favor proceeded as follows: WFD—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION

31 August 1998

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An executive session of the Board of Selectmen was held on 31 August 1998 at 10:15 p.m. at the Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. The Board members present at the meeting were: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch and Secretary Julie Lefebvre were also present.

THE LIBRARY PROJECT

Bernard Lynch advised the selectmen that the library project was not going well due to the subcontractor, C.J. Mabardy Inc., encountering rock at the building site. B. Lynch said it was the town's position that the contractor, Mello Construction, Inc., should have been able to anticipate this type of obstacle. Mello, however, is of the opinion that the problem could not have been foreseen and that the town should therefore pay for any additional expenses related to excavating and removing the rock.

In response, Mello Construction has threatened to take legal action against the subcontractor and the town. Not wanting to incur any additional expenses related to the rock removal, the town will be working with town counsel to challenge Mello's position. Not only is cost a major concern, but now the library project will be delayed a month. Because of this delay the building will not be closed off by the winter as originally planned, a factor that will trigger additional costs. One option would be to call in Mello's performance bond; however, this approach would become "messy" and would impose on the town the difficult task of finding another contractor.

TOWN MANAGER CONTRACT PROPOSAL

B. Lynch proposed that the following changes be made to his employment contract:

Indemnification Language

Include language that would indemnify him against any professional liability claims occurring in the performance of his duties as town manager.

One-year Extension

Extend his contract for one year—through 30 June 2001.

Longevity

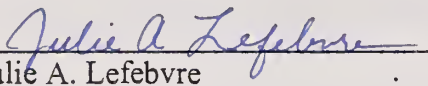
Since he is entitled to the same benefits as other non-union employees of the town as stated in his current contract, invoke his longevity benefit. He did not take advantage of this benefit at ten years because it would have conflicted with labor negotiations that were ongoing at that time.

Compensation Increase

Increase yearly compensation by 3 percent.

At 11:00 p.m. W. Dalton made a motion to end executive session. The motion was seconded by P. Eliopoulos and a roll call vote in favor proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION
14 September 1998

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An executive session of the Board of Selectmen was held on 14 September 1998 at approximately 9:15 p.m. in Room 205 of the Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. The Board members present at the meeting were: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch and Secretary Julie Lefebvre were also present.

Glenview Sand and Gravel

Bernard Lynch said that at the last meeting he reported that the town had had testing done at the Glenview Sand and Gravel site. When the lead level from these tests came back unsatisfactory, Weston & Sampson took another lead sample, which yielded much more favorable results indicating that the first test was defective.

Bernard Lynch said he had been contacted by Mass Gravel relative to the company hauling in material from other project sites to Glenview Sand and Gravel as long as the material meets the same criteria as the material from the Central Artery project. Selectman Dalton said that if the town were to allow this, it would be imperative that fill material be routinely tested and that the town not be billed for this testing. In addition, he said he would like to see a written commitment to comply with routine testing from Mass Gravel.

Bernard Lynch said he would need the Board's consent to proceed in the direction of allowing materials from other projects to be dumped at the Glenview Sand and Gravel site. As long as the material is clean it would be good use of the property and would benefit the town. He said he would have John Giorgio draft something up to protect the town's interests. Selectman Dalton asked what the town's agreement contained relative to the dumping of materials from sites other than the Central Artery project, and Bernard Lynch said that the agreement called for the Board's approval.

Town Manager's Contract

The contract proposal Bernard Lynch had distributed to the selectmen at the previous executive session included the addition of indemnification language, a one-year contract extension, invocation of longevity benefit and a 3 percent increase in compensation.

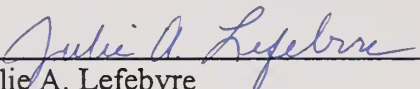
Mr. Lynch left the room while the selectmen discussed his FY99 contract. After a lengthy discussion, Selectman Dalton suggested the following counteroffer: 3 percent salary increase, indemnification, one-year extension and longevity to become effective in January 1999. All voted in favor. Bernard Lynch, who then re-entered the room, accepted the offer, though he did

express disappointment in being denied six months of longevity when he considered his proposal moderate enough as it was.

Selectman Weisfeldt then motioned to amend the town manager's contract as follows: increase salary by 3 percent, extend contract one year to bring it to the year 2001, incorporate indemnification clause and invoke longevity benefit effective 1/1/99. A roll call vote in favor followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

At 10:30 p.m. Selectman Dalton motioned to end executive session. The motion was seconded by Selectman Eliopoulos and a roll call vote in favor proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION 28 September 1998

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An executive session of the Board of Selectmen was held on 28 September 1998 at 8:40 p.m. in Room 201 of the Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. The Board members present at the meeting were: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch and Secretary Julie Lefebvre were also present.

Glenview Sand and Gravel

Bernard Lynch said that the last time he and the Board met in executive session they talked about having materials from sites other than the central artery/tunnel project hauled to the Glenview Sand and Gravel property to be used as landfill. Since that time John Giorgio from Kopelman and Paige had developed an amendment to the Host Community Agreement between the Town of Chelmsford and Mass Gravel, Inc. (MGI), as well as a form letter to be used in approving sites on a case-by-case basis.

Mass Gravel had initially asked the town for presumptive approval, which would have allowed MGI to determine the appropriateness of material and to assume the town's approval if the town manager did not respond back to MGI within two days of its request. John Giorgio advised the counsel for Mass Gravel that a presumptive approval arrangement was not acceptable to the town.

The amendment prepared by John Giorgio would require MGI to obtain the Board of Selectmen's approval to dump materials from public/private projects other than the central artery/tunnel project at the Glenview Sand and Gravel site. Mass Gravel would provide testing data to Weston & Sampson, who would then advise the selectmen as to whether or not the material complies with standards set forth in the DEP Contaminated Soil Policy. Finally, if the selectmen approved the proposed site, Mass Gravel would assume the expense for random testing, which would be required throughout the project.

Selectman Eliopoulos asked how the dumping of materials from alternate sites would benefit the town, and Mr. Lynch said it would bring the project to completion much sooner and provide a faster flow of income to the town. In addition, the property would be available for development purposes a lot faster. All should go well provided that precautionary steps are taken.

Selectman Moran voiced his concern about the selectmen being responsible for approving site material and said he would be more comfortable if Weston & Sampson were to give its recommendation first. Mr. Lynch agreed, and referencing a 9/24/98 letter from Weston & Sampson, explained how the engineering firm took into consideration the tonnage that would be

coming from the Cambridge site before analyzing the sample data. Additionally, Weston & Sampson recommended that the town continue doing random testing.

Selectman Weisfeldt asked how far along the Glenview project was to date. Mr. Lynch guessed that about 90,000 tons of fill had been hauled to the site out of the 750,000 tons the site was expected to hold. Selectman Eliopoulos said he was concerned about contamination because testing is done on surface material when contamination might be present at a deeper level. For this reason he suggested that the town conduct periodic content testing like that being done in Boston with the central artery/tunnel project.

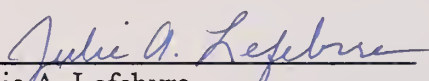
Following Selectman Dalton's suggestion that the Board's decision be put in writing, Selectman Eliopoulos motioned to allow the town manager to work with town counsel to draft up a proposal that would allow MGI to bring in fill from other sites, both public and private, based on parameters set forth by the town's engineering firm, Weston & Sampson, and pending the selectmen's approval. Selectman Weisfeldt seconded the motion and a discussion followed.

Mr. Lynch said that Weston & Sampson should notify the town whenever it is contacted by MGI about a potential site. Once Weston & Sampson analyzes the testing data, it should provide the town with its recommendation. Should the fill be approved by the selectmen, the town would then conduct random sampling. Selectman Eliopoulos suggested that the town include language allowing Chelmsford to terminate a site if contamination is found.

To clarify the aforementioned motion, Selectman Eliopoulos proposed the following for the Board's vote: (1) Weston & Sampson would set up parameters for material testing; (2) based on Weston & Sampson's recommendations, the selectmen would decide whether or not a potential site is acceptable; (3) random testing would be conducted throughout the duration of the project at the expense of MGI; and (4) a termination clause would be included, if there is not already one in the contract, so that a site can be terminated at any time if it fails to meet safety parameters set forth by Weston & Sampson. A roll call vote then followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

At 9:00 p.m. Selectman Weisfeldt motioned to end executive session. The motion was seconded by Selectman Eliopoulos and a roll call vote in favor proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes recorded by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION
9 November 1998

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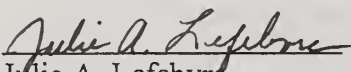
An executive session of the Board of Selectmen commenced on 9 November 1998 at 8:30 p.m. in Room 201 of the Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. Board members present at the meeting were as follows: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch was at the meeting as was Secretary Julie Lefebvre.

Bernard Lynch said that he had had the agreed upon changes made to his employment contract with the town and had signed off on it. Selectman Eliopoulos said that on hindsight he thought the agreement to stall the town manager's longevity benefit might not have been the right course of action. Selectman Dalton said he agreed and was also concerned about this. He said he had asked John Giorgio for clarification and John had confirmed that the town manager is entitled to the same benefits as other town employees and this includes longevity. Mr. Lynch then left the conference room while the selectmen reconsidered.

After a brief discussion Selectman Weisfeldt moved to rescind a previous motion to delay the town manager's longevity benefit until 1/1/99 so that his longevity benefit would now retroactively take effect 7/1/98. (This amendment would involve no language changes to the employment contract.) A roll call vote proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Selectman Dalton then motioned to end executive session and a roll call vote followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes signed by:


Julie A. Lefebvre
Executive Secretary



BOARD OF SELECTMEN EXECUTIVE SESSION
14 December 1998

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An executive session of the Board of Selectmen commenced on 14 December 1998 at approximately 8:40 p.m. in Room 204 of the Town Offices, 50 Billerica Road, Chelmsford, Massachusetts. Board members present at the meeting were as follows: William F. Dalton, Stuart G. Weisfeldt, Philip M. Eliopoulos, Thomas E. Moran and Michael F. McCall. Town Manager Bernard Lynch was at the meeting as was Secretary Julie Lefebvre. John Giorgio and Patrick Costello from Kopelman and Paige were also present.

Country Club Estates Realty Trust, et al. V. Town of Chelmsford

Patrick Costello said that this case was an eminent domain assessment case resulting from the town's taking of the Apple Country Club for use as a golf course. Although this land was being used as a golf course prior to the taking, appraisers on both sides of the issue agree that the maximum value of this property would have been as a site for a 27-unit residential subdivision. Jonathan Avery, the appraiser selected by Kopelman and Paige, has come up with a damage figure of \$1,210,000. Richard Dennis, the appraiser retained by Country Club Estates, is prepared to testify to a damage figure of \$1,860,000.

At the time of the taking the town reduced its payment for the land \$221,378 below the appraisal figure in order to recoup rollback taxes. Thus the town paid \$988,622 for a property that was appraised at \$1,210,000. The plaintiffs have disputed the town's authority to set off the sum of 221,378 for rollback taxes, and this has been and continues to be an issue in the litigation. A jury for this case would take into consideration what the property was worth on the date of the taking.

Appraiser Richard Dennis is well recognized in his field and has been in business for over 30 years, which will carry some weight with the jury. In addition, Country Club Estates Realty Trust has retained the services of a good lawyer. A jury will often come in in the middle of the two opinions of the parties' appraisers and render a verdict in the range of \$325,000 to \$435,000. With statutory interest, the total judgment amount would probably be in the range of \$380,000 to \$513,000. The total judgment amount plus legal and expert witness fees would bring the town's total exposure (in addition to pro tanto payment already awarded) in at the estimated range of \$395,000 to \$538,000.

Mr. Costello predicted that there would be a rash of settlement discussions as the trial date draws near. The two parties in many similar cases reach a settlement agreement before the case ever goes to trial. Mr. Costello said that a case such as this might settle out of court in the

approximate range of from \$300,000 to \$400,000. In answer to Selectman Weisfeldt's inquiry, Mr. Costello said he would think it reasonable to settle for \$257,000 to \$385,000. Selectman Dalton said he was the only one present at the meeting who was on the Board of Selectman at the time of the taking and that he remembers being told that the country club land wouldn't cost the town any more money than the amount paid at that time. Mr. Lynch pointed out the money-producing element of the property, which benefits the town from a financial standpoint. He said he would not be ready to settle yet because even if the town owes money on the property, the property will still pay for itself over time.

Mr. Costello said that it was his responsibility to provide everyone at the meeting with an update on the situation as well as the options at their disposal. He said he did not expect the selectmen to make any settlement decisions at this time. Selectman Eliopoulos suggested that the Board meet with Mr. Avery before making any settlement decisions and asked Mr. Lynch if Mr. Avery could come in for the next meeting. Selectman Moran said that the longer this case is delayed the more interest the town will ultimately have to pay. Selectman Eliopoulos said that he believed the money was earning enough interest in the stabilization fund to make up for it. Selectman Moran said that the ledge on this site should be taken into consideration when determining what the property was worth at the time of the taking.

A roll call vote proceeded as follows: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Selectman Dalton then motioned to end executive session and a roll call vote followed: WFD—Aye, SGW—Aye, PME—Aye, TEM—Aye, and MFM—Aye.

Minutes signed by:

Julie A. Lefebvre
Executive Secretary

BOARD OF SELECTMEN - 2/16/99

EXECUTIVE SESSION

An Executive Session of the Board of Selectmen was held at 8:40 p.m. in the Town Manager's Conference Room. Members present were: Sel. Dalton, Sel. Weisfeldt, Sel. Eliopoulos, Sel. Moran and Sel. McCall. Also present was Town Manager Bernard Lynch and Marian Currier Support Services Coordinator.

Bernie said that he included a copy of his letter to the Center Water District in the Boards packets to let them know that the Water District has an eye on the cranberry bog for a well site. Bernie said that a well is not considered conservation land, therefore, in order to take land out of conservation status it would take a 2/3 vote of Town Meeting, 2/3 vote of the legislature and it must go through the MEPA process. Bernie said there is potential for repayment but he is not definite on that yet. Bernie also stated that the land belongs to the town, the water district is a separate entity and only serves a portion of the town. As a separate entity there should be some type of compensation. Bernie told the water district to put there interest in writing.

Bernie informed the Board that the water tower on Robin Hill Road is on conservation land but no easement was ever filed. The Center Water District wants to put a cellular antenna (Nextel) on the tower. Nextel wants rights to cross over town land. Bernie said he was talking to John Giorgio about how the Town should proceed.

Bernie reported that well on Meadowbrook Road is also town land. In 1981 the Water District went to the Conservation Commission to grant them an easement but they had no authority to do so. An easement was ever filed. Bernie said that in the above matters the Water District is operating on Town land. Bernie said there are some liability issues and John Giorgio is working on it.

Bernie reported that the Old University of Lowell, West Campus, may be available but it must be used for education purposes. The deed has gone to counsel to be reviewed. If the Board agrees Bernie will see if we can acquire the property. The Board agreed that Bernie should continue researching the availability of the property. Phil said he would like to take a look at the property.

Bernie said he would like to give the No. Congregational Church the North Town Hall. Bill said Bernie should set up a meeting with Jeff Stallard. The charge of the North Town Hall Committee was discussed. Bernie said he set up the committee to do a feasibility study but nothing has been submitted.

Bernie said that there were some concerns at the Mass. Gravel site regarding the use of bricks and the use of hay bails to protect the wetlands. Jack, Richard Andy and Jim are going to

provide Bernie with a report. Phil asked that a check or audit be performed to see that the fill is coming from the Big Dig or the Cambridge Water Treatment.

Sel. Weisfeldt made a motion to go out of Executive Session, Sel. McCall seconded: Mr. Moran-Aye, Mr. Dalton-Aye, Mr. Eliopoulos-Aye, Mr. Weisfeldt-Aye, Mr. McAll-Aye.

There being no further business the meeting adjourned at 9:10 p.m.

Respectfully submitted.

Marian D. Currier
Support Services

BOARD OF SELECTMEN - WORK SESSION

MARCH 1, 1999

A work session of the Board of Selectmen was held on March 1, 1999 at Town Offices. Board members present were: Sel. Dalton, Sel. Weisfeldt, Sel. Eliopoulos, Sel. Moran and Sel. McCall. Also in attendance were Town Manager Bernard Lynch, John Coderre Asst. to the Town Manager, Marian Currier Support Services Coordinator, Atty. Rich Bowen from Kopelman & Paige, Dennis Ready, former Selectmen, and John Harrington from the CBA.

The Town Manager introduced Rich Bowen from Kopelman and Paige and said that Rich was here to answer questions about liquor policies, rules and regulations. Rich said that he had drafted the liquor license regulations the Board was considering adopting. He said that these regulations may or may not apply to our situation, for example, the section on dress code can be removed if it is not needed in Chelmsford.

Tom asked Rich about the requirements for new employees on becoming certified within seven days. Tom said that it does not address certification for managers. Bernie and Rich said that the Board could be specific on the time frame for managers to get certified. John Harrington said that the window for new employees is 30 days. Rich suggested that the Board amend page 18 section 1.19(c) by crossing out new and changing seven days to thirty day in the Rules & Regulations.

Phil asked if the policies should be incorporated into the rules and regulations. Rich recommended that they be incorporated into one documents, if possible.

Dennis explained to the Board why the original policy of postponing a vote on a liquor license to the next meeting was put in place. He said that if the Board wanted to deny a license they needed time, after the public hearing and before the vote was taken, to have counsel help with motions for denial. Dennis said the only time the policy should be waived is if a manager gets fired or some other type of extenuating circumstance exits beyond the license holders control. Atty. Bowen said that the attorney should not be writing the findings of fact. He explained that each member, on their own, should consider the application during the two week waiting period. Rich said the Board has 30 days to act on an application.

Rich said that when a new application comes before the Board the only issue is one of public need. Rich said that the policy dated July 14, 1997 is a good effort. He said it makes the Board articulate some of things they should articulate when reviewing an application. If the Board wants to deny a license they should make a finding of fact. For example, Rich said a motion should be made stating "I move that we make a finding that there is no public need because a license exists across the street, or "I make a motion that there is inadequate parking". Make a motion on each "fact". Then a motion can be made to disapprove the application.

Rich said it was not a good idea to make a blanket statement that no more licenses are needed in Town if some are still available. Because the ABCC gives the town a quota, a blanket statement to this effect would be hard to defend.

Tom asked if the applicant has an attorney at the hearing to represent them could the Board speak to the applicant directly. Atty. Bowen said that it is the Board's responsibility and duty to ask questions of the applicant.

Rich explained that if the Board adopts the rules and regulations a public hearing should be held, a notice should go in the newspapers two weeks ahead of time, and notification of the hearing should be sent to the license holders. Rich explained that in a disciplinary case the Board can state in a notice letter that "On 7/1/98 it is alleged that employees of your establishment violated regulation whatever" and the license holder can't claim that they did not have notice of the new rules and regulations.

Rich was asked if the Board has the right to look at sales receipts for the amount of food sales vs. liquor sales. Rich said the Board does have the authority to investigate but it is difficult to enforce. He said many towns have this problem and you have to be a CPA to figure it out.

Rich said that he would not hold one-day liquor license holders to the rules and regulations. He said that the Board has tremendous control on one-day licenses. Rich said that if the Board is against issuing several licenses to a particulate applicant they should have a policy on how many one day licenses will be issued to any one organization per year. If the Board does turn down a license they should articulate why because it is easier to defend if a reason is given. Rich also stated that the applicant should be present at the BOS meetings.

The Board asked when a license was not required for one day functions. Rich said that if the liquor is given away a license is not needed. He said the test is - can someone get a drink without paying. If the answer is yes than a license is not needed, if no then a license is needed. Tom asked about BYOB being in the regulations. Atty. Bowen said that unless you have a policy or by-law that forbids BYOB its allowed. There is nothing saying you can't do it. Rich said all you have to do is adopt a policy that states "Any holder of a Common Victualer License that wishes to have BYOB must first obtain permission from the Board of Selectmen".

A question regarding how to handle a pledge of a license was asked to R. Bowen. He said that when there is financing from a prior owner the Board **must** refer to it. It must be approved and recorded at the local licensing level.

A question was asked on how to handle a poor criminal history of an applicant. Rich said that the C.O.R.I. information should not be made public. If an applicant has a bad record the Board can deny the application but you must state that "upon review of the character of the applicant you are rejecting the application", or whatever, just state a reason why you are disapproving. Atty. Bowen further stated that if an applicant does not answer 14f on the application (re: conviction of violating state, federal or military law) you should reject the application.

It was agreed that the Board members would go through the Rules and Regulations and meet at a later date to discuss any changes or amendments that should be incorporated into the document.

Sel. Eliopoulos made a motion to adjourn. The motion passed unanimously.

Respectfully submitted,

Marian D. Currier

BOARD OF SELECTMEN - EXECUTIVE SESSION

March 15, 1999

An Executive Session of the Board of Selectmen was held March 15, 1999 at 9:00 p.m. in the Town Manager's Conference Room. Board members present were: Sel. Weisfeldt, Sel. Eliopoulos, Sel. Moran and Sel. McCall. Also present were: Town Manager Lynch, Marian Currier, Support Services Coordinator and John Coderre, Asst.. to the Town Manager.

The Town Manager reported that there will be a Special Town Meeting for a warrant article regarding the Center Water Districts request to put a well at the cranberry bog site. Bernie further explained that changing the use of the land would require a two-thirds vote at Town Meeting and approvals from the State. Mr. Lynch said that the water district should pay the Town for taking water out of our land. Mr. Lynch said that if the water district wants the property they must have it be part of their financial structure. Mr. Lynch said he would like to set the money aside for conservation purposes.

Mr. Lynch reported that he talked to Town Counsel regarding the land swap with the No. Chelmsford Congregational Church. Town Counsel is not in favor of a swap because of the procurement requirements. Bernie further reported that the church wants \$900,000. for the land and it is only assessed at \$12,800., its landlocked and not buildable.

Bernie said that the BOS can not meet with the Fire Union because it's against the open meeting law. He further stated that it is outside their jurisdiction to do so and he can prepare a letter from the Board that says "thanks, but no thanks". Tom suggested that the Union come to a BOS meeting. Bernie said that was not a good idea because they may lead the public to believe services are in jeopardy. It was agreed that Bernie will draft a letter for the Board's review.

There being no further business Sel. Eliopoulos made a motion to adjourn. Sel. Weisfeldt-Aye, Sel. Moran-Aye, Sel. Eliopoulos-Aye, Sel. McCall-Aye.

Respectfully submitted,

Marian Currier

BOARD OF SELECTMEN - EXECUTIVE SESSION

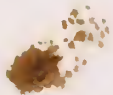
APRIL 12, 1999

Town Manager Lynch reported that the case regarding the Chelmsford Country Club would be going to court soon. Mr. Lynch said the Town claims the value of the property is \$1.25 million and the opponent claims the value is \$1.8 million.

There being no further business to report, Sel. Moran made a motion to go out of Executive Session. Chairman Weisfeldt polled the Board: Sel. Moran-Aye, Sel. Dalton-Aye, Sel. Eliopoulos-Aye, Sel. McCall-Aye and Sel. Weisfeldt-Aye.

Respectfully submitted,

Michael McCall
Clerk, Board of Selectmen



BOARD OF SELECTMEN EXECUTIVE SESSION

APRIL 26, 1999

An executive session of the Board of Selectmen commenced on April 26, 1999 at the Senior Center at approximately 7:30 p.m. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Town Manager Bernard Lynch, John Coderre and Attorney John Giorgio.

Country Club Estates Realty Trust, et al. V. Town of Chelmsford

Attorney John Giorgio was present to update the board on the progress of the Country Club litigation. Developments include an investigation into the bankruptcy claim by the trustees. At issue is what the bankruptcy court may decide about an undisclosed asset. At this time the trial has been postponed. There will be a status conference some time in May. Attorney Giorgio is confident that they are ready for trial however he feels that if a reasonable settlement can be reached that might be preferable to going to trial. Town Manager Lynch and the Board agree that it would be prudent to wait and see what transpires from the bankruptcy court.

Town Meeting --June

Town Manager Lynch alerted the board to the possibility of a need for a Town Meeting in June.

East School and Lighthouse School -- Real Property

Mr. Lynch reported that he had been approached by the Boy Scouts about purchasing the East School. He went on to say that the Lighthouse School might be interested in selling a 20-acre parcel of land. He was meeting with a representative from the school to discuss it. He would have more for them next time.

There being no further business, the executive session adjourned.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

JUNE 21, 1999

An executive session of the Board of Selectmen commenced on June 21, 1999 in the Town Manager's conference room at approximately 9:40 p.m. Board members present were Selectman Weisfeldt, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Town Manager Bernard Lynch and Assistant to the Town Manager John Coderre.

Well

Town Manager Lynch reported that he had met with the State and the Water Conservation Commission last week. For the project to proceed the Conservation Commission needs information on the environmental impact of the well and the Water District has yet to provide it. Mr. Lynch and some members of the board expressed frustration at the public's perception that the town is dragging its feet. This is born out by the number of calls they've received questioning the length of this process. It was brought up that the situation is further aggravated by the recent water ban. Joel Lerner from the state (which is providing the funds for the purchase) wants a provision included to provide compensation for the purchase of more open space. The meeting was good but Mr. Lynch is concerned that the Water District hasn't been following through with providing the documentation towards the permitting process. While this is essentially a legal and regulatory issue the Water District is seeing it as a political one. Members of the board then voiced concerns about the management of the town's water resources.

A discussion ensued concerning the water ban, the Water District's management of it and water as a resource in general. Selectman Moran suggested bringing in an independent consultant to study the water issue. At the BOS regular meeting the Water District had invited the board to attend their July 7th meeting to discuss the Barnes Terrace Well. The board agreed to attend the meeting. The board decided to hold a work session following the meeting to lay out a strategy and further discuss the possibility of engaging the services of an independent consultant to assist with understanding water issues before proceeding with bog property. These discussions would be based on information gathered from the meeting. The matter of the independent consultant could be addressed publicly at the July 12th BOS meeting.

Lighthouse School

The Town has approached the Lighthouse School with a proposal to purchase a piece of property for between for \$100,000 - \$125,000. The school has yet to respond. Mr. Lynch said that he would be following up with a phone call.

Boy Scout Property

A letter has been sent to Peter Markham regarding the Boy Scout property. Mr. Lynch will be calling him back too. Related to this, Pop Warner has been contacted about the building and its need for improvements. Mr. Lynch was told that since Pop Warner football didn't play until the fall all their volunteers were busy and unavailable. The town will proceed with plans to sell the building and find an alternate site for Pop Warner.

There being no further business the executive session adjourned at 10:15 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
AUGUST 16, 1999

An executive session of the Board of Selectmen was held on August 16, 1999 at the Town Offices beginning at approximately 8:40 p.m. Board members present were Selectman Weisfeldt, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager and John Coderre, Asst. to the Town Manager.

Real Property

The North Water District's inquiry into the purchase of land near the Highway Garage for the purpose of a new well site was discussed. Both the board and the Town Manager agreed that this could not move forward until the independent water study was complete.

Contract Negotiations

Mr. Lynch reminded the board that his contract was coming up for renewal and that he wished to get the ball rolling.

Boy Scout Property

Selectman Eliopoulos inquired as to the status of the Boy Scout property. Mr. Lynch replied that the owner was interested in putting it on the market. The Town would still have right to first refusal. The Town would also receive a portion of the profit made on the house if it was sold. The executive session adjourned at 8:45 p.m.

Respectfully submitted.

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION SEPTEMBER 13, 1999

An executive session of the Board of Selectmen was held on September 13, 1999 at the Town Offices beginning at approximately 9:00 p.m. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present was Bernard Lynch, Town Manager.

Mass Gravel

Mr. Lynch informed the board that the John Giorgio of Kopelman and Paige would be coming in at the next meeting to discuss the Mass Gravel contract. He went on to say that the top priority had to be clean fill. Most material is going to Quincy. Selectman Dalton asked where they were in filling the hole. Mr. Lynch didn't know exactly but knew it was less than half. Selectman Moran asked where Mass Gravel was in repaying the money owed. Mr. Lynch said they were up to date and Mass Gravel had paid \$200,000.

Boy Scout Property

Tom Markham told Mr. Lynch that he had three bids on the East School Site. The bidders include a furniture maker, someone who wants to rehab it and live there, and a church group that wants to turn it into a daycare center. Mr. Markham is concerned about the rezoning issues and meeting residential requirements. He suggested that the whole thing could be avoided if the town bought it for \$65,000. The property has been assessed at \$53,000. If the town did buy it the house would be torn down and a parking lot would be put in a corner.

Selectman Eliopoulos suggested finding out what the residents in the neighborhood want. He suspected that they would want it to remain residential. It was agreed that they would get a sense of what the residents want and then make a decision on what the town would do by next Monday.

Penni Lane

The owners of the Penni Lane property want to sell it to the Water District. The Water district doesn't believe that they need to go to Town Meeting with it. Mr. Lynch said that they want \$25,000 -50,000 for it. Mr. Lynch suggested drafting a warrant article that would stipulate that the land could not be developed.

Contract Negotiation

Mr. Lynch presented the board with a comparison of Town Manager salaries from communities with populations of 30-40,000 people. It was decided that Mr. Lynch would leave the room while the Selectmen discussed the numbers. Mr. Lynch would then return with his proposal. Salaries for just-hired town managers were in some cases, the same or more than Mr. Lynch's salary. Selectman Moran felt strongly that Mr. Lynch was being undervalued and they were putting themselves in a poor position should he decide to leave. To bring him up to comparable levels would require an increase of 12%. The selectmen went round the table and threw out what they thought was a fair increase. Excluding Selectman Moran's 12% increase, the average was about 6%. Selectman McCall commented that they had yet to review Mr. Lynch and it would be more productive to negotiate a contract after the review.

Mr. Lynch returned to the conference room and presented his case. He stated that he was surprised to find that he was being paid below the average. His salary should be brought up to the average with a salary increase of about 10%. Selectman Dalton requested a breakdown of comps from these other communities. Mr. Lynch said he would look into providing one. Selectman McCall stated that they had yet to review him and thought they should before negotiating further. Mr. Lynch left the room again. The selectman agreed to review Mr. Lynch and review his current contract and then resume negotiations the following week.

There being no further business the executive session adjourned at 10:15 p.m.

Respectfully submitted.

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
SEPTEMBER 20, 1999
PARTS I AND II**

PART I

An executive session of the Board of Selectmen was held on September 20, 1999 at the Town Offices beginning at approximately 8:20 p.m. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager and Assistant to the Town Manager, John Coderre, John Giorgio of Kopelman and Paige, and Darrell Thompson and Mike Scipione of Weston and Sampson.

Mass Gravel

Mr. Lynch began the session with some background information. Two years ago the Town entered into an agreement with Mass Gravel to cap a site with clean fill under a Host Community Agreement. At this point the site is only one-third full. Mr. Giorgio was present to discuss amendments proposed by Mass Gravel to the current contract. These changes are in response to difficulties they are experiencing in getting ample amounts of clean fill from public sites such as the Central Artery Project. They would like to supplement the public sources with private ones. At the current pace they will not meet the 2001 deadline.

The amendments are as follows:

1. All material from private sites must have DEP approval and certification.
2. The fill is subject to on site stockpiling and testing.
3. The host community receives one dollar per ton.
4. Twenty-four hour notification prior to delivery.
5. Change of assignment to Amalgamated Transport.

The Board was given the opportunity to ask questions. Selectman Dalton inquired as to the fine amount for contract violations pertaining to notification. Mr. Giorgio said that each violation was a \$500 fine or the contract could ultimately be terminated. Selectman Dalton thought the fine was low. Selectman Moran asked the Weston and Sampson representatives if 24 hours was enough time to conduct the testing. They said that it was.

After further discussion the Board determined it would need more time to analyze the contract before voting on the amendments. The Board requested copies of both the current contract and the proposed amendments. Mr. Giorgio agreed to provide them to the Board before discussing the matter further on October 4th.

Selectman Eliopoulos made a motion to adjourn at 8:45. Selectman McCall seconded the motion. The meeting adjourned. The regular meeting resumed at 8:45.

PART II

An executive session of the Board of Selectmen was held on September 20, 1999 at the Town Offices beginning at approximately 10:30 p.m. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present was Bernard Lynch, Town Manager.

Real Property -- East School Boy Scout Property

Mr. Lynch and the Board decided that a community meeting would be held at the East School on Oct. 7 at 7pm to discuss the future of the property currently held by the Boy Scouts. The Board proposed the following options for community input at the meeting:

1. Purchase of the property by the town for the purpose of building a parking lot adjacent to the existing park.
2. Rezoning the property for residential use.

These options were to be presented only as possibilities should the Town decide to purchase the property.

The executive session adjourned at 11 pm.

Respectfully submitted.

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
OCTOBER 4, 1999**

PART 1

An executive session of the Board of Selectmen was held on October 4, 1999 at the Town Offices beginning at 6 pm. Board members present were Selectman Stuart Weisfeldt, Selectman Bill Dalton, Selectman Phil Eliopoulos, Selectman Tom Moran and Selectman Mike McCall. Also present were Bernard Lynch, Town Manager; Assistant to the Town Manager, John Coderre; John Giorgio and Mark Reich of Kopelman and Paige; Mike Scipione of Weston and Sampson and Richard Day, Health Department.

Mass Gravel

John Giorgio said that after several discussions with Barry Fogel, the attorney for Mass Gravel, he found the proposed amendments to be reasonable. Concerns from the board centered primarily on the following topics: financial guarantees, adequate testing and prior notice of hauling schedules. These concerns were addressed as follows.

- **Financial Guarantees**

The board would like to see that in addition to the \$500,000 performance bond to the DEP, the Town be covered by a \$500,000 performance bond of its own.

- **Testing**

The board wanted to be sure that testing for private sites is adequate. The representatives from Weston and Sampson assured the board that it was. They went on to say that the protocol and standards are the same for private sites and Central Artery sites. Mr. Giorgio was asked if the board had the power to reject a site or stop a delivery. Mr. Giorgio said that as long as the board's decision to do so was not arbitrary, it could.

- **Prior Notice**

The board feels that one of the biggest issues is prior notification. Richard Day reported that he had seen trucks taking clay off the site. There is language in the current contract stating that there must be enough clay available to cap the site. This highlighted the need for notification of all hauling. With adequate notification someone could be on site to check bills of lading and monitor hauling. The board requested language be written into amendment specifying notification of delivery.

Selectman Eliopoulos made a motion to approve the amendments to the Host Community Agreement subject to the modifications made by the board and a final review by the board. Selectman McCall seconded. The following roll call vote followed: MFM-Aye, WD-Aye, PE-Aye, TM-Aye and SW-Aye.

The executive session adjourned at 6:45 pm and the board returned to the regular meeting.

Date		Description		Amount	
1900	Jan 1	Balance		100.00	
1900	Jan 15	Received from A. B.		50.00	
1900	Feb 1	Received from C. D.		25.00	
1900	Mar 1	Received from E. F.		75.00	
1900	Apr 1	Received from G. H.		100.00	
1900	May 1	Received from I. J.		150.00	
1900	Jun 1	Received from K. L.		200.00	
1900	Jul 1	Received from M. N.		250.00	
1900	Aug 1	Received from O. P.		300.00	
1900	Sep 1	Received from Q. R.		350.00	
1900	Oct 1	Received from S. T.		400.00	
1900	Nov 1	Received from U. V.		450.00	
1900	Dec 1	Received from W. X.		500.00	
1900	Dec 31	Total		2500.00	
1901	Jan 1	Balance		2500.00	
1901	Jan 15	Received from Y. Z.		100.00	
1901	Feb 1	Received from A. B.		200.00	
1901	Mar 1	Received from C. D.		300.00	
1901	Apr 1	Received from E. F.		400.00	
1901	May 1	Received from G. H.		500.00	
1901	Jun 1	Received from I. J.		600.00	
1901	Jul 1	Received from K. L.		700.00	
1901	Aug 1	Received from M. N.		800.00	
1901	Sep 1	Received from O. P.		900.00	
1901	Oct 1	Received from Q. R.		1000.00	
1901	Nov 1	Received from S. T.		1100.00	
1901	Dec 1	Received from U. V.		1200.00	
1901	Dec 31	Total		12500.00	

PART II

An executive session of the Board of Selectmen was held on October 4, 1999 at the Town Offices beginning at 8:45. Board members present were Selectman Stuart Weisfeldt, Selectman Bill Dalton, Selectman Phil Eliopoulos, Selectman Tom Moran and Selectman Mike McCall. Also present was Bernard Lynch, Town Manager.

Real Property

Mr. Lynch updated the board on the status of the Boy Scout property. He reported that Tom Markham said there were now offers from four organizations on the table. He would keep them posted with any further developments.

Contract Negotiations

Mr. Lynch left the conference room so the board could continue its discussion of the Town Manager's contract. Selectman Eliopoulos suggested that they go around and put their contract proposals on the table. All agreed that given the high level of his evaluation and the comparatively below average level of his salary (see attachment), Mr. Lynch deserved a substantial raise. Discussion bogged down somewhat over the specific percentage, which ranged from 9-10%. There was also some dissension over the idea of giving the raise in splits. It was decided to extend the period of notice after termination of the contract from 4-8 weeks.

After further discussion the board reached consensus and Selectman Eliopoulos made a motion: to increase the Town Manager's salary by 5% effective 7/99 and then increase it by another 5% effective 1/00 and to increase notification upon contract termination from 4 to 8 weeks.

Selectman McCall seconded, motion passed upon roll call vote as follows: TEM-Aye, WFD-Aye, PME-Aye, MMM-Aye, and SGW-Aye.

Mr. Lynch was invited back to the conference room to discuss the proposed contract. Selectman Weisfeldt presented the contract proposal to Mr. Lynch. Selectman Eliopoulos went on to say that they were committed to get his salary above the average level. This 10% increase would provide a base to get him above the average point in the future. Mr. Lynch responded that he needed some time to think about the proposal and would get back to them with his decision.

There being no further business the executive session ended at 10:00 pm.

Respectfully submitted.

Donna McIntosh

Attachment: Town Manager Salary Survey (Exhibit A)

<u>Town</u>	<u>FY00 Salary</u>	<u>Years</u>	<u>Budget</u>
Acton	\$ 105,460	12	\$ 41.9
Amherst	\$ 93,048	17	\$ 45.1
Andover	\$ 97,255	9	\$ 78.4
Arlington	\$ 118,497	33	\$ 74.6
Billerica	\$ 89,657	1	\$ 76.5
Brookline	\$ 113,550	5	\$ 136.4
Concord	\$ 102,125	6	\$ 38.8
Danvers	\$ 100,682	20	\$ 57.0
Dracut	\$ 84,999	10	\$ 40.9
Framingham	\$ 90,000	0	\$ 137.9
Lexington	\$ 108,000	11	\$ 85.4
Natick	\$ 93,993	17	\$ 68.1
North Andover	\$ 86,000	3	\$ 47.7
Norwood	\$ 103,770	20	\$ 82.2
Plymouth	\$ 94,000	1	\$ 103.0
Shrewsbury	\$ 93,279	2	\$ 23.6
Stoneham	\$ 96,864	7	\$ 42.6
Tewksbury	\$ 94,000	11	\$ 52.5
Wellesley	\$ 122,859	6	\$ 58.8
Westford	\$ 92,000	0	\$ 37.8
Average	\$ 99,002	9.55	\$ 66.5
Chelmsford	\$ 90,745	13	\$ 62.6

**BOARD OF SELECTMEN EXECUTIVE SESSION
OCTOBER 18, 1999**

An executive session of the Board of Selectmen was held on October 18, 1999 at the Senior Center beginning at approximately 7:15 pm. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager and John Coderre, Asst. to the Town Manager.

Real Property

Mr. Lynch reported that a letter had been sent to Tom Markham offering \$70,000 for the Carlisle Street Boy Scout property. The offer was not accepted. An offer of \$150,000 has been made by the Merrimack Educational Collaborative for the property. The property will need to be brought up to code. Selectman Eliopoulos suggested that the 70K be voted in just in case the deal falls through. The board concurred with this suggestion.

In a related issue, Mr. Lynch relayed that he had looked for building permits for the property and found no major repair work had been undertaken. The amount of money the Town receives from the sale of the property depends on the amount of work that was done to fix it up. Selectman McCall suggested that all records of repair be provided before the sale goes through.

Penni Lane

Mr. Lynch said that there should be stipulations on the property stating that it cannot be developed or combined with another piece of property to be developed. The board decided to put it to vote at Town Meeting.

There being no further business the executive session adjourned at 7:30 pm.

Respectfully submitted.

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
OCTOBER 21, 1999**

An executive session of the Board of Selectmen was held on October 21, 1999 at the Senior Citizen Center beginning at approximately 7:00 pm. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager, John Coderre, Asst. to the Town Manager and John Giorgio of Kopelman and Paige.

Mass Gravel

Mr. Lynch recommended the board approve the amendments to the Community Host Agreement with Mass Gravel. The timeline with the letter from the DEP concerning a load from the Central Artery project has been established and seems to bear out that they hadn't received the letter before the amendment discussions. Discussions with Jack Pearson and Jack Emerson support the need for a more consistent presence at the site to monitor deliveries, collect bills of lading and take site pictures. Mr. Lynch said he intends to either hire or assign someone to carry out these tasks when deliveries are made. The selectmen agreed that more supervision was needed on a consistent basis. The board would like to see the monitoring done randomly preferably by a senior level person with some environmental expertise.

Selectman Eliopoulos made a motion to approve the amendments with the proviso that there will be no deliveries made between the hours of 4:30 pm and 8:00 am without prior written approval by the board. Selectman McCall seconded, motion approved by roll call vote as follows: TEM-Aye, WFD-Aye, PME-Aye, MFM-Aye and SGW-Aye.

The executive session adjourned at 7:30 pm.

Respectfully submitted.

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
NOVEMBER 10, 1999**

An executive session of the Board of Selectmen was held on November 10, 1999 at the Town Manager's Office beginning at approximately 10:00 pm. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager, and John Coderre, Asst. to the Town Manager.

Chelmsford Country Club

Mr. Lynch reviewed the status of the Chelmsford Country Club litigation. The Manager stated that the Town has filed a motion to dismiss the case based on failure to give adequate notice under Chapter 61B. The Manager explained that since the property in question was receiving reduced property taxes due to its status as recreation land, there would be rollback taxes at anytime the property were taken out of 61B status. Also, according to c.61B, the Town had first right of refusal when that land was to be taken out of 61B, but it appears that such notice was not afforded to the Town. The case is scheduled for trial on November 22, 1999.

East School Property

Mr. Lynch informed the Board that a municipal lien was filed on the East School property and sent to the registry of deeds. The lien informs anyone interested in purchasing the East School of the Town's interest in the property. According to Mr. Lynch the Town is still attempting to obtain requisite documentation from the Boy Scouts regarding any improvements made to the property.

Penni Lane Property

Mr. Lynch discussed a preliminary proposal from a private party pertaining to the Boy Scout property on Penni Lane. According to Mr. Lynch, Christian S. Zouzas of Zouzas Attorneys at Law, 227 Chelmsford Street, is proposing to work out a deal to purchase the Penni Lane property from the Boy Scouts, then turn it over to the Town as a park. Mr. Zouzas is requesting the Town allow the park to be named in memory of his mother. Following some discussion, the Board felt that it was inappropriate to take a position on the offer until the private details were worked out between the Boys Scouts and Mr. Zouzas. The Town Manager will convey the Board's sentiment to Mr. Zouzas.

There being no more matters before the Board, Selectmen Dalton made a motion at approximately 10:30 p.m. to adjourn from executive session, seconded by Selectmen Eliopoulos.

Respectfully submitted,

John Coderre

**BOARD OF SELECTMEN EXECUTIVE SESSION
NOVEMBER 22, 1999**

An executive session of the Board of Selectmen was held on November 22, 1999 at the Town Offices beginning at approximately 9:55 pm. Board members present were Selectmen Weisfeldt, Dalton, Eliopoulos, Moran and McCall. Also present was Bernard Lynch, Town Manager.

Real Property

The executive session was called to review the portion of the profit due the Town from the sale of the 60 Carlisle St. property. At issue is the amount of money the Boy Scouts are claiming in improvements. According to the original agreement, the Town will receive half of the profits less the amount spent on major repairs or improvements to the property. The Boy Scouts are claiming repairs for which at this point there is no documentation. John Giorgio has suggested putting all the profits in escrow until the matter can be resolved. The Scouts are opposed to this arrangement.

Mr. Lynch went through each of the items the Scouts are claiming. The first to be rejected is the real estate transaction cost of \$7,500. The Boy Scouts are claiming the following:

<u>Item</u>	<u>Vendor</u>	<u>Cost</u>
New Boiler	Mahoney Brothers	\$ 9,550.00
Roof	Stack & Hughes	\$12,487.50
Asbestos removal	DecTam	\$ 4,564.00
Vinyl Floor, Carpets	(No supporting documentation)	
Roof Improvement	(No supporting documentation)	
	Subtotal:	<u>\$26,601.50</u>

Selectman Eliopoulos suggested agreeing on an acceptable preliminary amount, which could decrease the amount that needs to be held in escrow. A discussion ensued as to time limits and who would hold the escrow.

Selectman Eliopoulos made a motion to allow the Boy Scouts to receive \$37,250 with \$10,552 remaining in escrow with a time limit of 12/31/99, when the money would revert to the Town if the proper documentation isn't furnished or as a fall back, with no time limit. Selectman McCall seconded, motion approved unanimously by roll call vote: TEM-Aye, WFD-Aye, PME-Aye, MFM-Aye and SGW-Aye.

There being no further business the executive session adjourned at 10:30 pm.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
DECEMBER 13, 1999**

An executive session of the Board of Selectmen was held on December 13, 1999 at the Town Offices beginning at approximately 9:30 pm. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, Tom Moran and Mike McCall. Also present was Bernard Lynch, Town Manager.

Real Property - Boy Scout Property

Mr. Lynch updated the board on the situation with the Boy Scout property. The improvements to the property were accounted for and the proceeds from the sale were divided up. Ten thousand five hundred fifty dollars remained in dispute and put in escrow. It remains unclear whether the Scouts will be able to produce any additional documentation on improvements to the property. Real estate commission costs are also an issue. The proposed solution was to split the difference so that the Boy Scouts and the town would each get \$5,275 and avoid the cost of litigation.

Selectman Eliopoulos made a motion to split the disputed amount of \$10,550 between the Town and the Boy Scouts so that each would receive \$5,275 from the proceeds of the sale of the Carlisle Street property. Selectman McCall seconded the motion, motion approved. Roll call vote went as follows: TEM-Aye, WFD-Aye, PME-Aye, MFM-Aye and SGW-Nay.

Real Property - Mass Gravel

Mr. Lynch reported that the Town received another \$45,000 from Mass Gravel. Armand Caron is on the site monitoring things. Weston and Sampson continues to do testing and is finding the fill acceptable. At the request of the board, Mr. Lynch agreed to give a report during the next meeting updating the public on what has been happening at the Mass Gravel site.

Real Property - Golf Course

Mr. Lynch reported that there would be an article appearing at some point in The Sun concerning the golf course. The article's focus would be an explanation of the lawsuit.

There being no further business the executive session adjourned at 10:10 pm.

Respectfully submitted.

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
JANUARY 10, 2000**

An executive session of the Board of Selectmen was held on January 10, 2000 at the Town Offices beginning at approximately 8:45 pm. Board members present were Selectman Weisfeldt, Selectman Dalton, Selectman Eliopoulos, Selectman Moran and Selectman McCall. Also present were Bernard Lynch, Town Manager and Jim Pearson, DPW.

Collective Bargaining

Selectman Dalton left the room while a discussion of collective bargaining with the Fire Union was conducted. Mr. Lynch explained that the issue of minimum manning had been addressed during the last bargaining process. The Fire Union decided to study the issue. Apparently minimum manning may become an issue in the next collective bargaining process. The Town's stance is that it is up to the Chief's discretion to determine what is appropriate for the safety of the public and the safety of the firefighters.

Rte 3 Expansion - Drum Hill Rotary

Selectman Eliopoulos explained that the contractors vying for the Rte. 3 project have the opportunity to submit a plan for the Drum Hill rotary. The State has a version as well. Jim Pearson presented 3 versions of a plan for Drum Hill, the state's, a contractor's and the Town's version. Mr. Pearson presented the state's version first. After studying this version which converges all routes in a small space the selectmen determined that it wasn't appropriate for the area. Next, he put up the contractor's version, which was better but still not quite right. He then put up the version he and Andy Sheehan had worked on. A discussion ensued weighing the merits and potential drawbacks of the Town's plan.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
FEBRUARY 14, 2000**

An executive session Board of Selectmen was held on February 14, 2000, at the Town Offices at 10:05 p.m. for the purpose of discussing contract negotiations. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, Michael McCall, and Tom Moran. Also present were Bernard Lynch, Town Manager, and John Coderre, Assistant Town Manager.

CONTRACT NEGOTIATIONS – RCN

Mr. Lynch explained the Town is in between steps in its negotiations with RCN for a cable access contract. Between the 6th and 7th steps negotiations are informal. Once the 7th step is reached the contract goes before public hearings. An advisory committee is being organized. Mr. Lynch is asking for two board members to join the committee. The committee is also comprised of the Town Manager, Assistant Town Manager, and attorney Peter Epstein. Selectman Moran is unable to be on the advisory committee as it would be a conflict of interest. At this time there is level playing field language included in the cable contract. The board would be kept informed of the progress of the negotiations.

There being no further business the session was voted closed at 10:20 p.m. by roll call vote as follows: TEM-Aye, WFD-Aye, PME-Aye, MFM-Aye and SGW-Aye.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

APRIL 10, 2000

An executive session of the Board of Selectmen commenced on April 10, 2000 at the Town Offices at 9:20 p.m. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, Michael McCall and Tom Moran. Also present was Town Manager Bernard Lynch.

Collective Bargaining

Mr. Lynch reported that he has been in negotiations with the Highway and Cemetery Departments. These departments receive neither longevity nor steps. A tentative agreement has been reached although it hasn't been voted on yet. The memo of understanding is outlined below:

- Language "disinterment" (cemetery)
- Loss of driver's license within 3 yrs.
- Sick leave (donation clarification)
- Wing plow - increase of \$1/hour due to level of difficulty
- Letter of understanding (job safety training program)
- Vacation (anniversary date)
- Overtime (8 hour guarantee)
- Two employees at night during "winter operations" (change of title) from 12 - 8 starting 12/1
- Bi-weekly payroll
- Worker's compensation - \$3,000 for 1st two days
- Language for full call-out
- Compensation 4%, 4.5%, 4.5%
- Letter of understanding re Burroughs - quarterly review by parties (Individual circumstance)

Selectman Moran made a motion to support the Highway and Cemetery Department Collective Bargaining agreement contingent upon the department signing off on it. Motion seconded. Discussion followed. Selectman Moran made a motion to withdraw the previous motion. Selectman McCall seconded, motion withdrawn unanimously.

Selectman Moran made a motion to go out of executive session. Selectman McCall seconded. Motion approved unanimously by roll call vote. Vote as follows: Weisfeldt-Aye, Moran-Aye, Eliopoulos-Aye, Dalton-Aye, McCall-Aye. There being no further business the session ended at 9:35 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

APRIL 24, 2000

An executive session of the Board of Selectmen commenced on April 26, 1999 at the Senior Center at 6:30 p.m. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, and Tom Moran. Selectman McCall was not present at the meeting. Also present were Town Manager Bernard Lynch, John Coderre and Attorney John Giorgio of Kopelman and Paige.

LITIGATION STATUS REPORT

Attorney John Giorgio was present to provide the board with an overview of the Litigation Status Report. There are currently eighteen cases still pending. The majority of these cases are land use cases. Attorney Giorgio highlighted three for the board.

Chelmsford Historic District Commission v. Kalos

Middlesex Superior Court C.A. No. 97-01922

An appellate review has been filed to continue the case. It is up to the discretion of the court to grant the appeal. If the appeal is denied the case could be over.

Country Club Estates Realty Trust, Inc. v. Town of Chelmsford

Middlesex Superior Court C.A. No. 95-7472L

This is an eminent domain case. The appraiser for Country Club Estates Realty Trust, Inc. has valued the property at \$1.8 million. The appraiser for the town has the property valued at \$1.2 million. After taxes this leaves approximately \$800,000 at issue. This could be split between the two, leaving the Town to come up with \$400,000 in new money. Atty. Giorgio said that juries are unpredictable and there is a history where juries are unfavorable to municipalities. It is likely that a judge would push for a settlement although there is a possibility of a directed judgement. Selectman Moran inquired whether it would go to trial this year. Mr. Giorgio thought that it would. He was looking to get a definitive trial date, at least a specific month. He will advise when a date is set.

As they were familiar with the case from its beginnings, Selectmen Dalton and Weisfeldt were reluctant to support a settlement. However, they agreed that whatever was in the best interest of the Town would be supported.

Town v. Greater Lowell Council, Inc. - Boy Scouts of America, and The Key Foundation

Land Court Misc. 261-762

The attorney general for the public charities division agrees with the Town's position on this case. The Summary Judgment hearing is not set until August. A lis pendens has been filed.

Cases Closed in 1999

Attny. Giorgio said that there were six cases closed in 1999. All were zoning cases with the exception of one. The exception was a civil service case.

Board Questions

Selectman Moran questioned Atty. Giorgio about a zoning case being brought against TMG. He replied that this was a new case. Some abutters are going against the Board of Appeals' zoning of TMG's elderly housing project. At this point, Kopelman and Paige is just observing the case and letting the Board of Appeals handle it. Selectman Eliopoulos said that the project was a good one and should be supported if necessary.

Selectman Eliopoulos made a motion to close the executive session. A roll call vote followed, closing the executive session. The vote was as follows: Weisfeldt-Aye, Moran-Aye, Eliopoulos-Aye, Dalton-Aye. Selectman McCall was not present to vote. The executive session adjourned at 6:55.

Selectman Eliopoulos made a motion to go into an executive session at 6:55 for the purposes of discussing collective bargaining. Selectman Dalton seconded, roll call was unanimous as follows: Weisfeldt-Aye, Moran-Aye, Eliopoulos-Aye, Dalton-Aye. Selectman McCall was not present to vote.

Collective Bargaining

Mr. Lynch informed the board that the Cemetery and Highway Departments had accepted the terms of the memo of understanding. He asked the board to vote on the acceptance of these terms. Selectman Moran made a motion to accept the memo of understanding concerning the terms of the Cemetery and Highway Departments' contract. Selectman Dalton seconded. Motion approved unanimously. Selectman McCall was not present to vote.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

MAY 1, 2000

An executive session of the Board of Selectmen commenced on May 1, 2000 at the Town Offices at 9:15 p.m. Board members present were Selectmen Philip Eliopoulos, Tom Moran, Michael McCall, Stuart Weisfeldt and Bill Dalton. Also present was Town Manager Bernard Lynch.

Deployment of Security Personnel

Mr. Lynch brought information to the attention of the board regarding a series of gun incidents at Country Club II. According to the police report, four known Latin King gang members were apprehended at the club in possession of a .38 caliber gun, narcotics and alcohol. This is the 3rd gun incident at the location in the last three months. The Chief of Police is recommending that in addition to the detail officer who currently works on the weekends, the club should hire another. The owner has been very supportive. He doesn't want problems and has done what he can to prevent them. He has upgraded surveillance both inside and outside the club. The situation will be monitored carefully.

There being no further business Selectman Moran made a motion to go out of executive session at 9:30 pm. Selectman Dalton seconded, motion approved unanimously by roll call vote as follows: Weisfeldt-Aye, McCall-Aye, Moran-Aye, Eliopoulos-Aye, Dalton-Aye.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
JUNE 5, 2000

An executive session of the Board of Selectmen commenced on June 5, 2000 in the Town Manager's conference room at approximately 8:30 p.m. Board members present were Selectmen Bill Dalton, Stuart Weisfeldt, Phil Eliopoulos, Tom Moran and Mike McCall. Also present was Town Manager Bernard Lynch.

Litigation

Selectman Eliopoulos brought up the concerns of Tom Gonsalves, of TBG Development regarding legal action against the Board of Appeals for their approval of a TBG project on Richardson Rd. Mr. Gonsalves is looking for specific information regarding the abutter's concerns. Mr. Lynch said that this is information he should be seeking from counsel, not the Selectmen. However, he would have a conversation with both Mr. Gonsalves and Attorney Shanahan.

There being no further business the executive session adjourned by roll call vote at 8:40 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

OCTOBER 10, 2000

An executive session of the Board of Selectmen commenced on October 10, 2000 at the Town Offices at 7:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran and Mike McCall. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Collective Bargaining - Police Union

The Town and police union have reached a tentative contract agreement. Mr. Lynch read the terms of the 3-year contract retroactive to July 1, 2000 as follows:

- Raises would be determined on a 3%, 3%*, 4% yearly progression.
 - *There is a 1% add-on recognizing the right of the town to install defibrillators in patrol cars. This reflects a "change in working conditions".
- Increase to the EMT certification incentive
- Police academy tuition payoff after 5 years on the force academy fees would be paid
- Step increase - \$2,000 increments for each step
- Shift differential - \$12-15
- Holiday pay - option for comp. time rather than pay
- Uniform allowance - increase of \$100 per year
- Cleaning allowance - \$200 per year
- Vacation equity - calculated on anniversary date rather than January 1st
- Management changes:
 - 5 days on, 2 days off
 - Anniversary date vacation posting with monthly accrual
 - Revised Police Detail and Overtime systems
 - Bi-Weekly Payroll

Selectman Moran made a motion to approve the Police contract. Selectman McCall seconded, contract approved by roll call vote as follows: Eliopoulos-Aye, McCall-Aye, Moran-Aye, and Dalton-Abstention.

There being no further business the executive session adjourned by roll call vote at 7:15 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
OCTOBER 23, 2000

An executive session of the Board of Selectmen commenced on October 23, 2000 at the Town Offices at 10:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Contract Negotiations - Town Manager

Mr. Lynch gave the board copies of a Town Manager salary comparison of comparable area towns. This comparison did not take into consideration other forms of compensation and benefits. He then presented his three point proposal:

- 1) Salary of \$110, 000 per year
- 2) 401A retirement plan package
- 3) Contract extension to 6/30/04

He then offered to get the information on the other compensation packages afforded to the comparable Town Managers. He left the room to allow the board to discuss his proposal. Selectman Dalton did not take part in the discussion in deference to the ongoing firefighter contract negotiations.

The remaining members of the board supported the extension of the contract to 2004 and agreed that some type of pension package was favorable. A discussion ensued over the exact details of such a package. The board agreed to bring the details up at the next executive session.

The board voted by roll to go out of executive session at 10:25 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION NOVEMBER 06, 2000

An executive session of the Board of Selectmen was held on November 06, 2000, at Town Offices at 6:30 p.m. for the purposes of discussing pending litigation. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, Michael McCall, and Tom Moran. Also present were Bernard Lynch, Town Manager; John Coderre, Assistant Town Manager; and Town Counsel representatives John Giorgio and Tom Lane of Kopleman & Paige.

PENDING LITIGATION – CHELMSFORD COUNTRY CLUB

Tom Lane and John Giorgio updated the Board regarding the Chelmsford Country Club litigation. Tom Lane stated the case would be going before the Lowell Superior Court on the following Monday and that the case has been on the docket since 1995. Tom Lane led the Board in a discussion regarding possible outcomes and settlement options regarding the case. Following the discussion Tom Moran motioned to authorize Town Counsel to go up to \$300,000 for purposes of reaching a settlement. Mike McCall seconded the motion.

There being no further executive session business prior to the regularly scheduled Board meeting, the session was voted closed at 7:00 p.m. by roll call vote as follows: TEM-Aye, WFD-Aye, PME-Aye, MFM-Aye and SGW-Aye.

A second executive session of the Board of Selectmen was held on November 06, 2000, at Town Offices at 9:00 p.m. for the purposes of discussing contract negotiations. Board members present were Selectmen Stuart Weisfeldt, Bill Dalton, Phil Eliopoulos, Michael McCall, and Tom Moran. Also present were Bernard Lynch, Town Manager and John Coderre, Assistant Town Manager.

CONTRACT NEGOTIATIONS – FIRE UNION

Due to his status as a Chelmsford firefighter, Selectmen Dalton removed himself from the room during the discussions to avoid a conflict of interest.

The Town Manager updated the Board regarding contract negotiations with the Fire Union. The Town has been meeting with the Union since June of 2000 and recently attempted to settle with an offer of a three year contract with increases of 3% / 4% / 4%. The Town Manager commented that the proposed settlement was in line with what other unions settled for including the Police. At this time it does not appear as though the Fire Union will accept the proposal and the process may go to the Joint Labor Management Committee for mediation. The Town will attempt one last effort to reach a settlement before mediation.

The Manger also commented that at the last negotiation session the Union came back with a 24-hour shift schedule in their proposal. Management is of the opinion that the 24-hour schedule was taken off the table by the Union and that all negotiations up to this point were contingent upon that understanding. The Town is reviewing its options with regard to the Union's altered position.

CONTRACT NEGOTIATIONS – TOWN MANAGER

Selectmen Dalton removed himself from the room during the Town Manager contract discussions to avoid the appearance of conflict of interest due to pending fire contract negotiations.

The Board reviewed the Town Manager's contract in light of their recently completely public evaluation of his performance. The Town Manager had presented his proposal to the Board for a salary increase to \$110,000, a 10% contribution to a retirement plan and a contract extension to 6/30/2004. The Town Manager provided a salary survey to support his proposal. The Board deliberated and formulated the following:

- 5% salary increase
- 10% contribution to a 401(a) retirement plan administered by ICMA Retirement Corporation
- Contract extension to 6/30/03.

The existing contract would be amended to reflect those changes.

Selectman Moran made a motion to approve the contract; seconded by Selectman McCall.

Roll call vote: TEM-Aye, PME-Aye, MFM-Aye and SGW-Aye.

There being no further business the session was voted closed at 9:45 p.m. by roll call vote as follows: TEM-Aye, PME-Aye, MFM-Aye and SGW-Aye.

Respectfully submitted,

John Coderre

BOARD OF SELECTMEN EXECUTIVE SESSION
NOVEMBER 27, 2000

An executive session of the Board of Selectmen commenced on November 27, 2000 at the Town Offices Center at 9:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Contract Negotiations

Due to his status as a Chelmsford firefighter, Selectman Dalton removed himself from the room during discussions to avoid a conflict of interest.

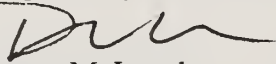
Mr. Lynch reported that a tentative contract may have been reached with the Fire Union. Proposed pay increases for a three-year contract were discussed at 3/3.5/4 percent.

Country Club

The Country Club case has been continued until January. The Town offered \$150,000 to settle the dispute. They wanted more but the Town made a case as to why they weren't offering more. Attorney Shanahan does not wish to settle. The Town has put in an offer for judgement. Selectman Eliopoulos explained that this shows the judge that the Town has acted in good faith and precludes them from seeking to collect for costs. Selectman Eliopoulos suggested offering \$250,000. Mr. Lynch said they would but didn't think Atty. Shanahan would agree.

There being no further business, the board voted to adjourn by roll-call vote at 9:30 pm.

Respectfully submitted,


Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
DECEMBER 11, 2000

An executive session of the Board of Selectmen commenced on December 11, 2000 at the Town Offices Center at 10:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Real Property

Mr. Lynch reported that there has been preliminary interest expressed in developing a parcel of land for commercial use near the Cisco complex. The building would be 62,000 sq. feet. Part of this parcel is the end of Monmouth Street. The street would need to be rezoned. The Town should be compensated for the street. The board agreed.

Collective Bargaining

Due to his status as a Chelmsford firefighter, Selectman Dalton removed himself from the room during discussions to avoid a conflict of interest. Mr. Lynch informed the board that the Fire Union rejected the contract. The vote was unanimous. During negotiations there was support from six representatives, leaving a question as to whether the Union is negotiating in good faith. There is the possibility that it may go to an arbiter, which may not be in the best interest of the Town.

There being no further business, the board voted to adjourn by roll-call vote at 9:30 pm.
(Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye)

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

JANUARY 8, 2001

An executive session of the Board of Selectmen commenced on January 8, 2001 at the Town Offices Center at 9:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Litigation

Mr. Lynch reported that the Country Club case is scheduled for a jury trial on January 22, 2001. The Town's settlement figure remains at \$250,000.

Collective Bargaining

Due to his status as a Chelmsford firefighter, Selectman Dalton removed himself from the room during discussions to avoid a conflict of interest.

The Town will meet with the Fire Union one more time before going to a mediator. No movement is expected.

There being no further business, the board voted to adjourn by roll-call vote at 9:10 pm. (Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye)

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

FEBRUARY 12, 2001

An executive session of the Board of Selectmen commenced on February 12, 2001 at the Town Offices Center at 9:00 pm. Board members present were Selectman Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Litigation

Attorney Tom Lane of Kopelman and Paige came before the board to summarize the outcome of the Country Club eminent domain case. The trial began on January 23, 2001. A jury of eight women and six men were selected. They seemed to be well educated and were very attentive during the trial. A statement made by Mr. Shanahan during the Town Meeting was kept out of the trial as was information regarding his bankruptcy claim. Mr. Lane then went on to summarize the statements by the witnesses. Mr. Lane objected to one witness, Ronald Doyle as lacking credibility. He was not a certified engineer. The judge left it up to the discretion of the jury to determine his credibility. He felt that the witnesses for the Town were well prepared and credible. The jury was out for one afternoon and then returned with a verdict at noon the following day. The jury valued the property at \$1.6 million. With interest the judgement amounts to \$547,860.37.

Mr. Lane stated that a motion had been filed on 61B and that an appeal for a new trial could be filed. The attorney general was interested in the bankruptcy issue. There is a 30-day period after the motions have run out to either appeal or settle. The board agreed to see what happens with the motions and to see what develops with the U.S. attorney before deciding whether to settle or appeal.

Criminal Investigation

The police chief has reinstated the drug unit and task force. So far there have been four arrests. There are some issues at Chelmsford High School regarding drug use. However, there is resistance towards having the dogs sweep the school.

There being no further business, the board voted to adjourn the executive session at 9:45 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

MARCH 28, 2001

An executive session of the Board of Selectmen commenced on March 28, 2001 at the Adams Library at 6:55 pm. Board members present were Selectmen Phil Eliopoulos, Bill Dalton, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Litigation

Ciro's Restaurant goes before the Alcoholic Beverage Control Commission the following week. Mr. Lynch led a discussion over whether the case should be pursued or if they should settle with Ciro's for a lesser penalty. Town Counsel feels the Town's position is somewhat weak. After some discussion the Board agreed that Ciro's should be presented with a settlement proposal of closing for five days as opposed to the original ten.

There being no further business, the board voted to adjourn the executive session at 7:10 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

MAY 21, 2001

An executive session of the Board of Selectmen commenced on May 21, 2001 at 9:45 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Real Property

Mr. Lynch reported that five out of the seventeen acres on the Proctor Road property are buildable. One possibility was to buy the parcel and sell two acres to Parlee. The Town would end up with 15 acres that back up onto conservation land. Discussion ensued around the property. Selectmen McCall and Eliopoulos are skeptical of the idea. Selectman Dalton suggested the board walk the area.

Jack Handley contacted Mr. Lynch about the purchase of the Pink House. He expressed interest in buying and renovating it. The site doesn't have parking and the Town is still interested in keeping it for future needs.

Collective Bargaining

The contract talks with the clerical union will be going to the mediation stage . The union is looking for a dramatic increase in longevity, extending the salary steps and a signing bonus. There being no further business, the board voted to adjourn the executive session by roll at 10:15 pm. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

JUNE 4, 2001

An executive session of the Board of Selectmen commenced on June 4, 2001 at 9:05 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Litigation

Mr. Lynch reported that Attorney Shanahan was having some legal problems at this time. The outcome of this could have some impact on the settlement of the Chelmsford Country Club case.

Real Property

The board agreed to meet Friday, June 8 and walk the Proctor Road property. Some board members have heard that papers have been drawn on the property already.

Collective Bargaining

The contract talks with the clerical union have gone to the mediation stage. At some point the talks will go to the fact finder, which will likely result in the difference being split.

With regard to Frank Goode, Mr. Lynch said he had been given the opportunity to work additional shifts to make up for the lost time while he was suspended and refused. These details are paid by outside contractors, not the Town.

There being no further business, the board voted to adjourn the executive session by roll at 9:25 pm. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

JUNE 18, 2001

An executive session of the Board of Selectmen commenced on June 18, 2001 at the Chelmsford Country Club at 9:30 pm. Board members present were Selectman Tom Moran, Mike McCall, Bill Dalton, Phil Eliopoulos and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Real Property: Land off Proctor Road—Lots 1,2,3,4,&5, and Buttercup Lane

The Town Manager reviewed the Board's recent tour of the property off Proctor Road relative to the Town's right of first refusal under MGL c.61. The Board discussed the pros and cons of purchasing the land in question. The Town Manager discussed several options including the possibility of signing over the right of first refusal to a State Agency which could then purchase the land, sell off two lots without MGL c. 30B issues, and then sell back the remaining four lots to the Town for open space. Town Manager to report back on options at the July 3, 2001 meeting.

Collective Bargaining: Clerical Union Negotiations

The Town Manager updated the Board on the status of negotiations with the Clerical Union. The negotiations were in Mediation but the Union was not making any movement in their demands. According to a preliminary analysis conducted by the Town, the Clerical Union's proposal equates to \$180,000 more than the Town's proposal over a three year period. The Town has offered the Clerical Union an increase similar to its other bargaining units but has been unable to make any progress. If nothing happens at the next Mediation meeting, the process will likely lead to fact finding.

There being no further business, the board voted to adjourn the executive session at 10:15 pm.

Respectfully submitted,

John Coderre

BOARD OF SELECTMEN EXECUTIVE SESSION

JULY 3, 2001

An executive session of the Board of Selectmen commenced on July 3, 2001 at the Town Offices at 12:55 p.m.. Board members present were Selectmen Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch, Assistant Town Manager John Coderre, and Attorney John Giorgio of Kopelman & Paige.

Litigation

Attorney John Giorgio provided members of the Board with a Litigation Status Report which summarized the 15 cases that his firm is currently handling for the Town. He stated that many of the cases require only a "passive" strategy on the part of the firm. Atty. Giorgio also gave brief updates on some of the more complex cases such as Beede Waste Oil Superfund Site, the Country Club Estates Trial, and Joe Doe v. Sex Offender Registry Board. Finally, he presented a list of the nine cases closed in the year 2000 with the disposition of each case.

There being no further business, the board voted to adjourn the executive session at 1:25 p.m.

Respectfully submitted,


Janet Murphy

BOARD OF SELECTMEN EXECUTIVE SESSION

JULY 16, 2001

An executive session of the Board of Selectmen commenced on June 16, 2001 at 10:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Real Property

Mr. Lynch asked the board to vote on whether it would be feasible for the town to purchase approximately 11 acres of property off Proctor Road for \$623,000. The board discussed the plan and generally concluded that while the land could perhaps be preserved as open space, the timing wasn't right given the economic climate.

Selectman McCall made a motion to take a vote on whether to approve the purchase of the 11-acre parcel off Proctor Road. Motion seconded. Motion denied. (Vote: BD-Nay, PE-Nay, MM-Aye, TM-Nay, SW-Nay).

There being no further business, the board voted to adjourn the executive session by roll at 10:05 pm. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

Respectfully submitted,

Donna McIntosh

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THE HISTORY OF THE

BOARD OF SELECTMEN EXECUTIVE SESSION

AUGUST 13, 2001

An executive session of the Board of Selectmen commenced on August 13, 2001 at 9:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant Town Manager John Coderre.

Collective Bargaining

The Town has settled with the clerical union, reported Mr. Lynch. Some of the points in the contract include: 3/4/4 pay increase scale, minor increase in longevity, longevity incentive program, and uniform allowance. This is for three years to be implemented July 2002. The steps remain and all promotional decisions are up to the discretion of the Town Manager.

Real Property

Mr. Lynch explained that the property at 8 Erlin Rd. was foreclosed on in February 2000. At that time the owner defaulted on a payment plan. The owner is currently living there. The owner has indicated the intention to resume payments. Mr. Lynch was seeking board approval to vacate the decree of foreclosure and get the owner back on a payment plan. The alternative is to evict the owner. There is currently \$5,600 owed, not including legal fees.

Selectman McCall made a motion to vacate the decree of foreclosure on 8 Erlin Road. Motion seconded, motion approved unanimously. (Vote: BD- Aye, PE- Aye, MM-Aye, TM- Aye, SW-Aye).

There being no further business, the board voted to adjourn the executive session by roll at 9:20 pm. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

Respectfully submitted,

Donna McIntosh

THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT IN 1630 TO THE PRESENT TIME.
BY
JOSEPH NEALE, ESQ.
OF THE BARR.

LONDON:
PRINTED BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1783.

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BOARD OF SELECTMEN EXECUTIVE SESSION

OCTOBER 1, 2001

An executive session of the Board of Selectmen commenced on October 1, 2001 at 9:00 pm. Board members present were Selectmen William Dalton, Philip Eliopoulos, Thomas Moran, Michael McCall and Stuart Weisfeldt. Town Manager Bernard Lynch was also present.

Country Club Estates Realty Trust

Mr. Lynch reported an opportunity to settle the Country Club case. Representatives for Atty. Shanahan are looking for \$500,000 to settle. The board suggested going back with an offer of \$400,000.

Selectman McCall made a motion to approve an offer of up to \$400,000 to settle the Country Club Estates matter without meeting. Motion seconded, motion approved.

There being no further business, the board voted to adjourn the executive session by roll at 9:05 p.m. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION

October 29, 2001

A meeting of the Board of Selectmen was held on October 29 at the Town Offices beginning at 8:30 a.m. Board members present were Michael McCall, Philip Eliopoulos, William Dalton and Stuart Weisfeldt. Also present was Bernard Lynch, Town Manager.

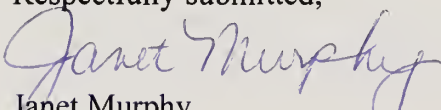
Selectman Eliopoulos made a motion to go into Executive Session for the purpose of discussing litigation. Selectman Weisfeldt seconded, motion approved unanimously.

Redistricting of 16th Middlesex District

The Massachusetts Legislature voted on October 22 to approve the redistricting plan submitted by House Speaker Finneran. The plan eliminates the 16th District, currently comprised of Chelmsford and Carlisle, and would divide Chelmsford's nine precincts among several other districts. The Board expressed their strong opposition to this plan as it potentially weakens the Town's position in legislative matters. They want to challenge it and requested Mr. Lynch consult with Town Counsel as to the possibility of initiating legal action.

There being no further business, the board voted by roll to adjourn at 9:25 a.m.

Respectfully submitted,


Janet Murphy

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES**

November 1, 2001

A meeting of the Board of Selectmen was held on November 1 at the Town Offices beginning at 5:00 p.m. Board members present were Thomas Moran, Michael McCall, Philip Eliopoulos, William Dalton and Stuart Weisfeldt. Also present were Bernard Lynch, Town Manager, and John Giorgio and Lauren Goldberg of Kopelman & Paige.

Selectman Eliopoulos made a motion to go into Executive Session for the purpose of discussing litigation. Selectman McCall seconded.

Redistricting of 16th Middlesex District

Mr. Lynch summarized the discussion that took place at the October 29 meeting regarding the possibility of litigating the recent redistricting of the 16th Middlesex District. He said that Kopelman & Paige had contacted Attorney Tom Kiley, who specializes in legislative law, about the possibility of representing Chelmsford in such litigation. Attorney Kiley submitted a proposal for his firm's services. Attorney Giorgio discussed the proposal, including the estimated fees and the scope of work that would be required of the firm. He believes a lawsuit has very little chance of winning in court. It would be necessary to prove that "political retribution" was the motive for the redistricting, and that Chelmsford was the specific target of the retribution. Proving this in court would be extremely difficult and costly. A tremendous amount of research, as well as the deposition of some high-level political figures, would be necessary for proper presentation of the case in court. Mr. Giorgio described it as being a "high profile" case and recommended giving the matter careful consideration before proceeding.

He advised that an important part of the litigation process is that Chelmsford would have to provide an alternative plan to the one that was voted. A new plan can have no adverse effect on any other communities. A court would have to be convinced that the Chelmsford plan was better than the one drawn by Speaker Finneran and voted. He added that the Town of Lexington had considered similar litigation and decided not to pursue it. In summary, he is not in favor of litigating the redistricting.

Selectman Eliopoulos said he believed Chelmsford could prove that the political process was unfair to Chelmsford and that the redistricting was done in bad faith. Attorney Giorgio stated that the House of Representatives has the right to determine districts. He acknowledged that the political process was unfair to Chelmsford.

Selectman Dalton said he was opposed to spending a lot of money on a case that would be weak in court.

Selectman Weisfeldt stated that the Republican Town Committee has shown no interest despite the fact that a Republican holds the seat that is being eliminated. He is opposed to pursuing a lawsuit.

Board of Selectmen Meeting Minutes
November 1, 2001
Page Two

Selectman Moran said the cost was too high and he will not support legal action despite his own dissatisfaction with the redistricting. He added that the current economic climate did not warrant the expenditure.

Selectman Dalton stated that he would rather request a meeting with Governor Swift to encourage her to veto the plan.

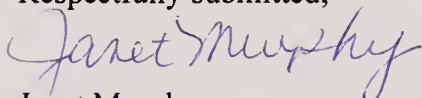
Selectmen McCall said there was improper purpose and an abuse of power by those who designed the plan, and that they were trying to advance their own political agenda. This is not how the process should work.

Selectman Eliopoulos said that something should be done in the name of what is right and repeated his desire for a lawsuit. He believes the Town can win. Selectman McCall agreed.

Selectman Dalton made a motion to abandon the idea of taking legal action. Selectman Weisfeldt seconded the motion. Selectman Eliopoulos said he still wanted to pursue legal remedy and continued to state his reasons.

Selectman Moran called for a vote on whether to pursue legal action against the Commonwealth in the House Redistricting matter. Selectman Dalton seconded. The board voted unanimously by roll not to pursue legal action. There being no further business, the board voted to adjourn the Executive Session at 6:00 p.m.

Respectfully submitted,


Janet Murphy

BOARD OF SELECTMEN EXECUTIVE SESSION
NOVEMBER 19, 2001

An executive session of the Board of Selectmen commenced on November 19, 2001 at 9:40 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Mike McCall and Stuart Weisfeldt. Town Manager Bernard Lynch was also present.

Collective Bargaining

Mr. Lynch said that he would like to extend his contract for three years to 2005. There were a few years of time and service that were not paid into retirement. Mr. Lynch is seeking to rectify this. He gave the Board members a contract proposal packet. They agreed to look it over and come back after the following meeting to vote on the proposal.

Litigation

The Board expressed continued interest in settling the Country Club Estates case. Offers of \$350,000-\$400,000 have been rejected by Mr. Shanahan.

Selectman McCall made a motion not to exceed an offer of \$400,000 to settle the Country Club Estates case and amended the motion to reflect that further negotiations would not be considered after the 8th. Motion seconded and approved unanimously as amended.

There being no further business the executive session adjourned at 9:55 by roll call vote.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
DECEMBER 3, 2001

An executive session of the Board of Selectmen commenced on December 3, 2001 at 8:55 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, and Mike McCall. Town Manager Bernard Lynch was also present. Stuart Weisfeldt was absent.

Country Club Estates Realty Trust

Mr. Lynch reported that Mr. Shanahan has yet to accept the offer for settlement.

Collective Bargaining

Discussion of the town manager's contract would be conducted after the meeting of December 17, 2001.

There being no further business the executive session adjourned at 9:05 p.m. by roll call vote (DB-aye, PE-aye, MM-aye, and TM-aye).

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION
DECEMBER 17, 2001

An executive session of the Board of Selectmen commenced on December 17, 2001 at 7:00 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, Stuart Weisfeldt, and Mike McCall. Town Manager Bernard Lynch and John Coderre, Assistant Town Manager, were also present.

Collective Bargaining

The Fire Union is bringing forward some issues regarding health insurance. There have been some changes to the Blue Cross/Blue Shield prescription drug program. It became a three-tier program. The Clerical Union filed a grievance because they didn't get to bargain these changes. The grievance was denied. The Fire Union and the Teacher's Union have filed similar grievances. There will be some serious financial consequences to premiums if this goes through. The board voted to return to the regular meeting at 7:25 p.m.

Following the regular meeting, the board voted to return to executive session at 8:30 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Tom Moran, and Mike McCall. Town Manager Bernard Lynch was also present.

Collective Bargaining

Mr. Lynch presented the terms of his contract proposal. The terms are as follows:

Term:	Extend from June 30, 2003 to June 30, 2005
Compensation:	Increase by 4% for FY02 retroactive to July 1, 2001. Future years subject to agreement of the parties.
Retirement Contribution:	Provide payment to Middlesex Retirement System of \$300 Per month for the period of January 2002 to December 2003 in order to provide credit for years of service to the Town as Community Development Coordinator and Acting Executive Secretary.
General Expenses:	Delete reference to acquisition cost of Town owned vehicle. (Currently set at \$17,000.)

The Board requested more information on the proposed retirement contributions. During the time Mr. Lynch worked for the Town as the Community Development Coordinator and Acting Executive Secretary, contributions were not made to his retirement fund. The Middlesex Retirement System will allow pay-in at this time because he was an employee of the Town. However, this was not clear at the time. Mr. Lynch left the room so the Board could further discuss the contract proposal.

The Board agreed to the contract extension and agreed to delete the reference to the cost of a town vehicle. The purchase price for the vehicle is subject to board approval. The Board discussed the retirement contribution request at length, concluding that a contribution of \$150 per month for two years would be offered. The 4% increase was agreed to. Mr. Lynch was invited back and presented with the terms. He agreed with the terms.

The Board made a motion to approve the following terms for the Town Manager's contract:

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Term: Extend from June 30, 2003 to June 30, 2005
Compensation: Increase by 4% for FY02 retroactive to July 1, 2001.
Future years subject to agreement of the parties.
Retirement Contribution: Provide payment to Middlesex Retirement System of \$150
Per month for a period of two years in order to provide
credit for a year of service to the Town as Community
Development Coordinator and Acting Executive Secretary.
General Expenses: Delete reference to acquisition cost of Town owned vehicle
and make purchase price subject to BOS approval.

Motion seconded and approved unanimously by roll call vote. (Dalton-Aye, Eliopoulos-Aye, McCall-Aye, Moran-Aye, Weisfeldt-Aye).

There being no further business the executive session adjourned at 9:20 by roll call vote.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
JANUARY 28, 2002**

An executive session of the Board of Selectmen was held on January 28, 2002 at the Town Offices beginning at 8:20 p.m. Board members present were Selectmen Phil Eliopoulos, Michael McCall, Tom Moran, and Stuart Weisfeldt. Also present were Bernard Lynch, Town Manager and John Coderre, Assistant Town Manager. Selectman Dalton was not present. Selectman Weisfeldt left at 8:30 to answer a medical emergency.

LITIGATION STATUS REPORT

John Giorgio of Kopelman & Paige reported that there were currently 15 open cases. Among the cases there were seven permit appeals, three were related to the proposed Stop & Shop Superstore at the old cinema site, and three were cases where no action had been taken in quite some time.

The Town of Chelmsford has been cited as a responsible Large De-Minimus Party by the EPA for using the Beede Waste Oil Superfund Site. The monetary amount of a fine may be minimal so it would be prudent for the Town to weigh whether it is worth pursuing.

Mr. Giorgio then briefly highlighted those cases closed during the year. He went on to say that the Town was in very good shape.

The board requested that Mr. Giorgio look into whether the new owners of Ciro's should be involved in the action against Ciro's. The board also requested that the firm confirm that "Sergi" remains in bankruptcy and the status of Stop & Shop's interest in opening a new store in Chelmsford in light of ongoing litigation.

There being no further business the board voted by roll call vote to adjourn at 8:45 pm. (MM-aye, TM-aye and PE-aye).

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
MEEING MINUTES
NOVEMBER 4, 2002**

An executive session of the Board of Selectmen was held on November 4, 2002 at the Town Offices beginning at 9:45 p.m. Board members present were Selectmen William Dalton, Philip Eliopoulos, Michael McCall, Thomas Moran, and Stuart Weisfeldt. Also present were Bernard Lynch, Town Manager and John Coderre, Assistant Town Manager.

LITIGATION STATUS REPORT

John Giorgio of Kopelman & Paige reported that there were currently 18 open cases. Of those, 15 are land-use cases. Seven were permit appeals, three were related to the proposed Stop & Shop at the old cinema site, and three were cases where no action had been taken in quite some time.

The Town of Chelmsford has been named as a Responsible Large *de Minimus* party by the EPA for using the Beede Waste Oil Superfund Site. The monetary amount may be minimal so it would be prudent for the Town to decide whether it is worth defending.

Mr. Giorgio summarized briefly those cases closed during the year. He went on to say that the Town was in very good shape.

COLLECTIVE BARGAINING

The Firefighters Union is going before the court in Lowell seeking an injunction to stop the station closures. Mr. Lynch was very confident that the injunction would be denied. The fire union has yet to file a grievance.

There being no further business the board voted by roll call vote to adjourn at 10:10 pm.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
MEETING MINUTES
DECEMBER 16, 2002**

An executive session of the Board of Selectmen was held on December 16, 2002 at the Town Offices beginning at approximately 9:30 pm. Board members present were Selectmen Stuart Weisfeldt, William Dalton, Philip Eliopoulos, Thomas Moran and Michael McCall. Also present was Bernard Lynch, Town Manager and John Coderre, Assistant Town Manager

Litigation

Mr. Lynch reported that the Town had received a letter from Princeton Properties threatening a lawsuit against Andy Sheehan and the Town if we insisted upon using Kopelman & Paige on the Princeton at Rivermeadow project on Riverneck Road. Mr. Lynch expressed his concern over the Board of Appeals handling of the Rivermeadow project. According to the minutes of a recent meeting, several members requested the input of Town counsel. At a subsequent meeting, town counsel was informed it was not needed. Jason Talerman of Kopelman & Paige has drafted a letter to Doug Hausler and Jeff Brown informing them that town counsel will be at the next meeting. The strongly-worded letter goes on to suggest that Hausler and Brown have overstepped their bounds in dealing with the Board of Appeals. Mr. Lynch recommended the Board involve town counsel in representing the Town's interests and to send the letter to Hausler and Brown.

Selectman McCall moved that the Board request town counsel to appear at the next Board of Appeals meeting and to approve the sending of a letter from Jason Talerman to Hausler and Brown. Motion seconded, motion passed unanimously.

There being no further business the Board voted by roll to adjourn executive session at 9:40 pm. (Dalton-aye, Eliopolous-aye, McCall-aye, Moran-aye, Weisfeldt-aye).

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN EXECUTIVE SESSION
MEETING MINUTES
NOVEMBER 18, 2002**

An executive session of the Board of Selectmen was held on November 18, 2002 at the Town Offices beginning at 9:25 p.m. Board members present were Selectmen William Dalton, Philip Eliopoulos, Michael McCall, Thomas Moran, and Stuart Weisfeldt. Also present was Bernard Lynch, Town Manager.

COLLECTIVE BARGAINING

Mr. Lynch reminded the Board that his annual evaluation was due.

A preliminary injunction filed by the fire union was denied.

PROPERTY

The taking of 1,076 square feet of property along Route 3 is requested by Mass Highway in an Order of Taking Dated 10/2/2002 regarding parcel numbers 15-D-17 and 15-D-18 for \$402.56. Bernard F. Lynch, Town Manager, is authorized to execute the Release. The taking is necessary for drainage outflow.

Selectman McCall made a motion to approve the taking of 1,076 square feet of land for \$402.56. Motion seconded and approved unanimously.

There being no further business the Board voted by roll call vote to adjourn at 9:35 pm.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN EXECUTIVE SESSION MINUTES
MAY 20, 2002

An executive session of the Board of Selectmen was held on May 20, 2002 at the Town Offices beginning at 9:00 p.m. Board members present were Selectmen William Dalton, Philip Eliopoulos, Michael McCall, and Thomas Moran. Also present were Bernard Lynch, Town Manager. Assistant Town Manager John Coderre and Selectman Weisfeldt were absent.

REAL PROPERTY

Tax Delinquency, 8 Erlin Road

The Town Manager reminded the Board of the situation regarding Selma Johnson, 8 Erlin Road. The Board had vacated the foreclosure on the property after establishing a payment plan a year ago. The property owner has once again become delinquent in paying real estate taxes. As of May 17th, \$12,599, is owed on the property. The full amount is needed at this time. The Board's approval is required in order to vacate the foreclosure again. The Board discussed the matter and also addressed the need for a policy designed to prohibit this type of repeat delinquency. Selectman Moran made a motion to vacate the order of foreclosure for Selma Johnson, 8 Erlin Road, subject to the payment of all fines, legal fees and full payment of taxes owed. Motion seconded. The matter was discussed further. The board voted unanimously by roll to vacate foreclosure. (TM-aye, BD-aye, PE-aye, MM-aye).

Rail Station

If the commuter rail station goes through, Wotton Lane could be a possible location for a municipal parking lot. The site is a wetlands location, prohibiting the development of little else.

COLLECTIVE BARGAINING

Health Insurance

The Town is looking at a plan that would save \$450,000 in health insurance costs. Employees covered under Blue Cross Master Medical could save approximately \$2,200 per year in health insurance premiums by switching to a new preferred provider plan.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES**

MARCH 3, 2003

An executive session of the Board of Selectmen was held on March 3, 2003 at the Town Offices beginning at 9:45 p.m. Board members present were Selectmen William Dalton, Philip Eliopoulos, Michael McCall, Thomas Moran, and Stuart Weisfeldt. Also present was Bernard Lynch, Town Manager.

COLLECTIVE BARGAINING

The Town Manager reminded the Board that it was time to discuss his contract. He was looking to extend it for another year or two. He is also looking to pass his Town vehicle along to another department and receive a stipend to lease a vehicle. The Board agreed to discuss the contract in more detail in the near future.

REAL PROPERTY

Redwing Farm

Redwing Farm would be put up for auction and sold to the highest bidder. The minimum bid is set at \$150,000.

State St. Development

The Town Manager explained that State St. is a cul-de-sac that goes to the Billerica line. Legally the developer may have access to State St., which would be a hardship to the neighborhood. Another concern is the possible inability of the sewer commission to provide service as it is nearing capacity at the present time. The Town Manager said he would keep the Board apprised of any developments.

Litigation

The Riverneck Road project is before the Board of Appeals. The 108' flood plain would allow for two buildings. The developers will likely appeal the decision. The Board discussed the legal standing of the flood plain.

NEXT REGULAR MEETING

There being no further business the meeting the Board voted by roll to adjourn at 10:15 pm.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES**

APRIL 3, 2003

An executive session of the Board of Selectmen was held on April 3, 2003 at the Town Offices beginning at 7:45 p.m. Board members present were Selectmen William Dalton, Philip Eliopoulos, Michael McCall, Thomas Moran, and Stuart Weisfeldt. Also present was Bernard Lynch, Town Manager.

The Selectmen conducted further discussions regarding an update of the Town Manager contract. Based upon raises provided to other employees and consideration of performance, the Board considered the following contract:

1. Extend term of contract until June 30, 2006.
2. Increase annual compensation by 2 % effective January 1, 2003.
3. Delete provision of municipal vehicle and replace with a monthly vehicle allowance of \$450.
4. Increase severance pay to seven months immediately with further increases of one month on each subsequent July 1st to a maximum of twelve months.

Selectman Moran made a motion to renew the Town Manager's contract as stipulated above. Motioned seconded, contract approved unanimously.

There being no further business the meeting the Board voted by roll to adjourn at 8:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bernard Lynch", written in a cursive style.

Bernard F. Lynch

**BOARD OF SELECTMEN
EXECUTIVE SESSION
APRIL 14, 2003**

An executive session of the Board of Selectmen commenced on April 14, 2003 at the Town Offices at 10:35 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Michael McCall, Tom Moran and Stuart Weisfeldt. Also present were Town Manager Bernard Lynch and Assistant to the Town Manager Jeanne Parziale.

Collective Bargaining

Mr. Lynch provided the Board with an update on the status of negotiations over the proposed MIIA health insurance proposal. Agreement has been reached between all parties pending final union membership approval which is expected by the end of the month. Included in the proposal is an increase to the Town's contribution to HMO Blue from 69% to 72 % with an additional increase to 73% in FY05, and Blue Care Elect from 60% to 62%. Master Medical will be discontinued. The proposal is projected to provide a savings of \$800,000 to the Town.

There being no further business, Selectman Moran made a motion to go out of executive session at 10:50 pm. Selectman Dalton seconded, motion approved by roll call vote as follows: Weisfeldt-aye, Moran-aye, McCall-aye, Eliopoulos-aye and Dalton-aye.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN
EXECUTIVE SESSION**

July 21, 2003

An executive session of the Board of Selectmen commenced on July 21, 2003 at the Town Offices at 8:50 pm. Board members present were Selectmen Bill Dalton, Phil Eliopolous, Michael McCall, and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Litigation-Mass Gravel

Mr. Lynch reported that some progress had been made towards closing out but not enough. Legal action has been filed seeking legal fees and interest in addition to the \$280,000 owed.

Collective Bargaining

Mr. Lynch said there wasn't much to report. He had requested a one-year extension to the contract without success. He added that the primary goal is to avoid lay offs.

Real Property

The Town Manager reported that the old Police Station would provide temporary space for the school and temporary space for the DPW Sewer Division in the short term.

The Board voted by roll to go out of executive session at 9:15 pm. Selectman Dalton seconded, motion approved by roll call vote as follows: Weisfeldt-aye, McCall-aye, Eliopoulos-aye and Dalton-aye.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN
EXECUTIVE SESSION
August 18, 2003**

An executive session of the Board of Selectmen commenced on August 18, 2003 at the Town Offices at 8:50 pm. Board members present were Selectmen Bill Dalton, Phil Eliopoulos, Michael McCall, Tom Moran and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch.

Litigation

The Town Manager informed the Board that the Alambique has hired a private security guard in response to the Board and Police Department concern over the club. The security guard dresses in a police type outfit, is armed and carries handcuffs. Selectman Moran questioned the legality and liability of having armed security.

The Board voted by roll to go out of executive session at 9:20 pm. Selectman Dalton seconded, motion approved by roll call vote as follows: Weisfeldt-aye, Moran-aye, McCall-aye, Eliopolous-aye and Dalton-aye.

Respectfully submitted,

Donna McIntosh

**BOARD OF SELECTMEN
EXECUTIVE SESSION
November 3, 2003**

An executive session of the Board of Selectmen commenced on November 3, 2003 at the Town Offices at 10:30 pm. Board members present were Selectmen Bill Dalton, Phil Eliopolous, Michael McCall, Tom Moran and Stuart Weisfeldt. Also present was Town Manager Bernard Lynch and Assistant to the Town Manager, Jeanne Parziale.

Collective Bargaining

The Town Manager reported that collective bargaining was ongoing. Units are looking for an increase of between 3% - 5%. The Town Manager said he would like to be able to settle at 0% and move forward.

Real Property

David Hedison of the Chelmsford Housing Authority advised that the Armenian Church is selling a piece of property on Old Westford Road. The property, worth \$1.5 million, would be developed as a 40B project of 24 units.

The Board voted by roll to go out of executive session at 10:45 pm. Selectman Dalton seconded, motion approved by roll call vote as follows: Weisfeldt-aye, Moran-aye, McCall-aye, Eliopolous-aye and Dalton-aye.

Respectfully submitted,

Donna McIntosh

BOARD OF SELECTMEN MEETING MINUTES

Executive Session - April 26, 2004

An Executive Session of the Board of Selectmen was held at the Senior Center on April 26, 2004 at 7:00 p.m. Members present were: Philip Eliopoulos, William Dalton, Michael McCall, Stuart Weisfeldt, and Thomas Newcomb. Also present was Town Manager Bernard Lynch.

The Town Manager reported that the Town had been offered the right of first refusal, by the Executive Office of Transportation and Construction (EOTC) on which a piece of land on Strawberry Hill, approximately 4 ½ acres, could be purchased for \$275,000. Mr. Lynch said the land could be used for ball fields or open space. The Board felt that this was a valuable piece of property for the Town and approved having the Town Manager to go forward with the next steps to procure the property.

Respectfully submitted,

Marian Currier

BOARD OF SELECTMEN EXECUTIVE SESSION

MEETING MINUTES

April 29, 2004

A meeting of the Board of Selectmen commenced at 7:30 p.m. on Thursday, April 29, 2004 at the Senior Center. Present were Selectmen Stuart Weisfeldt, Philip Eliopoulos, Thomas Newcomb, William Dalton and Michael McCall. Also present were Bernard F. Lynch, Town Manager; Jeanne Parziale, Asst. to the Town Manager; James Pearson, D.P.W. Director and John Giorgio, Town Counsel.

Selectman Dalton made a motion to go in Executive Session for the purpose of discussing real property. Motion seconded, unanimous vote by roll.

Mr. Lynch discussed a parcel of land owned by the Boston and Maine Railroad which had been offered to the Town under the right of first refusal. It is known as the Strawberry Hill property, and is located in the vicinity of Jordan Road. Mr. Pearson had visited the property to see what use could be made of it. He said that two small ball fields could be accommodated in the parcel, with room for about 84 parking spaces. There are paper streets nearby, he stated.

Selectman Newcomb asked what the cost would be to develop the land for such fields. Mr. Lynch said approximately \$200,000. He added that the most appropriate use for the property would be Little League baseball, soccer or softball, not high school athletics.

Selectman Weisfeldt asked if the Town need any new athletic fields. Mr. Lynch answered that the Town had not added any fields in many years. The most recent addition was Roberts Field about 15 years ago, and it is very heavily used.

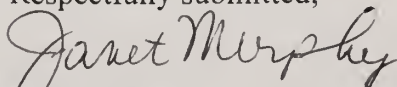
Mr. Lynch discussed the possibility of eliminating the two softball fields at the corner of Wilson Street and Chelmsford Streets, relocating them to the new Strawberry Hill fields, and selling that land to fund the new purchase. He estimated the property could be sold for \$500 - \$600,000, perhaps as high as \$1 million. He said he would be notifying the State of the Town's interest on or about April 30. Mr. Lynch said the sale of the fields at Wilson Street would add to the Stabilization Fund. Community Preservation Committee could be used to pay for the Strawberry Hill land. There was a brief discussion of the types of property that could be purchased with Community Preservation funds.

Atty. Giorgio asked if the deeds to the property would state "general municipal purposes." Mr. Lynch said they would.

Selectman Eliopoulos made a motion to pursue the acquisition of the Boston and Maine Railroad property known as the Strawberry Hill property. Selectman McCall seconded, motion approved unanimously by roll call vote: SGW-Aye, TAM-Aye, WFD-Aye, MFM-Aye, PME-Aye.

There being no further business, the Board voted by roll to adjourn at 7:50 p.m.

Respectfully submitted,



Janet Murphy

BOARD OF SELECTMEN EXECUTIVE SESSION

MEETING MINUTES

June 28, 2004

An Executive Session of the Board of Selectmen was held on Monday, June 28, 2004 at the Town Offices, 50 Billerica Road, at 7:00 p.m. Present were Selectmen Weisfeldt, Eliopoulos, Newcomb, Dalton and McCall. Also present were Town Manager Bernard F. Lynch, Assistant to the Town Manager Jeanne Parziale, and John Giorgio of Kopelman & Paige, Town Counsel.

Selectman Eliopoulos made a motion to go into Executive Session for the purpose of hearing a Legal Update Report from Mr. Giorgio. Selectman McCall seconded, motion passed unanimously.

Mr. Giorgio summarized his firm's activity for the Town of Chelmsford during the past year. He stated that they are handling about the same number of cases as in previous years. A few new cases were added, a few were settled, and most are fairly routine. He added that there was no need to actively defend the majority of cases.

An exception is the Pinnacle Partners Case involving a proposed Stop & Shop Super Store across from Market Basket on Chelmsford Street. There were some trials that Kopelman & Paige attended. Mr. Giorgio stated that no judgment had been received to date. He felt the case could be in Land Court for a long time.

There were some unusual cases as follows:

Beede Waste Oil. The EPA offered a settlement to large contributors. Chelmsford's share would be about \$66,000. Kopelman and Paige has recommended settlement, and the Town Manager concurs and is proceeding with payment.

In the Kelly vs. Town of Chelmsford case, previous attempts to sue the Town by Mr. Kelly were frivolous, stated Mr. Giorgio. This time, however, he is suing for damages for an eminent domain taking of a portion of his property for the sewer.

Life Saver Ministries, 40B Project. Five units are proposed on Highland Avenue which would house young mothers with infants and toddlers. The grade of the street is very steep causing safety and sight concerns. The Town is opposed to the project. At the Housing Appeals Meeting, Deputy Sousa of the Fire Dept. said a fire truck could make it in and out of the street. This has hurt the Town's position. A decision is forthcoming.

Princeton at Rivermeadow, 243 Riverneck Road. Finally, Princeton Properties has agreed not to build in the flood plain. They are planning to build 18 – 20 town homes under a plan that is acceptable to the Town.

Board of Selectmen Executive Session
Meeting Minutes
June 28, 2004/Page Two

Meadows Construction. This firm was awarded the contract to put a new roof on the Old Town Hall. The Town contends that they overbilled by about \$20,000. We are working to recover the money.

GBW vs. Town of Chelmsford. A settlement was reached in the case involving a low bidder not receiving the bid to replace windows at the South Row School.

Sex Offender Registry. An Amicus Brief has been signed by 12 cities and towns in favor of posting Level III offenders on the Internet. Chief McCusker is in favor of doing this. Mr. Giorgio stated a vote of the Board would be necessary to join the Amicus Brief.

Selectman Eliopoulos made a motion to approve the Town of Chelmsford joining the Amicus Brief authorizing the placement of Level III Sex Offender information on the Internet. Selectman McCall seconded, motion passed unanimously.

There being no further business, the Board voted by roll to adjourn at 7:40 p.m.

Respectfully submitted,


Janet Murphy

TOWN OF CHELMSFORD
BOARD OF SELECTMEN EXECUTIVE SESSION MINUTES
Monday, January 03, 2005
Town Hall, 50 Billerica Road, Chelmsford, MA 01824

Attending:

Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the
Town Manager

Litigation:

Princeton Property

Mr. Lynch stated that the Princeton Property on 243 Riverneck Road is coming before Conservation Commission and the Town has not approved the plan. Mr. Lynch stated that he would continue to look into the status of the project.

Meeting with Railroads

Mr. Lynch stated that a compromise with the Railroad is not going well. The Railroad is stating it is an operational inconvenience to turn off their engines because if they do they are required to check breaks. Mr. Lynch noted that he received a call from the Town of Buckland informing that Chelmsford was included along with Buckland in the Railroad suit, making it a larger case. Selectman Dalton wanted to know why these trains just can't back up. Mr. Lynch responded by stating the Railroads are looking to test the suit.

Collective Bargaining:

1. Mr. Lynch stated that 3 contracts, Library, Officers, and Clerical, are closed.
2. Highway and Cemetery are closed and are not getting longevity. Mr. Lynch discussed that there are 3 different job classifications: (1) Labor (2) Truck Driver Operator and (3) Equipment Operator. Mr. Lynch stated that there needs to be another job classification between Equipment Operator and Truck Driver. Mr. Lynch stated that it was important to get 0%, 2%, 2%. There is a signing bonus on the table and a performance bonus of \$13,000.
3. Police: Mr. Lynch stated that the Town and police are not that far apart from the arbiter. The Police want a \$600 bonus, and a 0%, 2%, 3% with evaluations; but not extra steps. Mr. Lynch stated that sick time was cut back but then renegotiated. Mr. Lynch stated that there was no percentage change on EMT rate this stays flat. Police end up with 0%, 2%, 3%, but are fighting for longevity, an increase in steps, and do not want to wear ties.
4. Fire: If the arbitration rules for a 24-hour shift, the Town is bound to it. Mr. Lynch stated that an offer was made for a 0%, 2%, 2% with a \$600 signing bonus; but at first the 24-hour shift was the bigger item on the table. The mediator stated that the 24-hour shift is not as important because Fire might get this in arbitration

regardless. The union proposal is \$179,000 for FY05: FY06 EMT \$60,000, 0%, 2%, 3% (the EMT language is left alone) \$122,000 over 2 years.

Selectman McCall asked where we stand compared to other communities. Mr. Lynch stated that communities like Billerica, Wilmington, Reading, Tewksbury, Andover, Acton, and Dracut pay more in long run. Starting pay for Fire is near the bottom, and the Town is in the middle of the pack after 10 years, then after 25 years or more Chelmsford pays the most of all of the other communities.

Selectman Eliopoulos asked why not go with a 0%, 2%, 3% with no 24-hour shift. Selectman Dalton responded that when the parties go into arbitration they will get the 24 hour shift but may not get 0%, 2%, 3%, therefore they are going after the money.

Town Manager Contract:

Selectman Dalton asked for an existing contract for Mr. Lynch. Mr. Lynch gave the Board a listing of other Towns and the contractual amounts given to Town Managers, and some positions are open.

<u>Position Filled</u>	<u>Position Open</u>
Winchester- \$140,000	Lexington-\$140-\$150,000
Natick- \$121,000	Belmont- \$140,000
Arlington-\$135,000	Billerica-\$120-\$140,000

Selectman Eliopoulos asked if only the base salary is what is being changed. Mr. Lynch replied that he was looking to earn \$131,000. Mr. Lynch also noted that he had not had a raise in the past two years

Mr. Lynch stepped out.

Selectman Eliopoulos' main concern was not to have Mr. Lynch replaced. Selectman McCall noted that the amount requested was comparable to other communities. Selectman Newcomb warned that Billerica is paying higher now for their replacement; therefore if the Town loses the current Town Manager it could end up paying a new applicant just as much money. Selectman Eliopoulos wanted to keep the amount of money in perspective with the size of the budget and that there are a lot of openings in other towns and that maybe Chelmsford is underpaying. Selectman Eliopoulos further noted that if an offer is made that Mr. Lynch should withdraw his applications to anywhere it was submitted.

Selectman Weisfeldt suggested looking at the experience Mr. Lynch has and agreed to ask Mr. Lynch to withdraw any other applications. Selectman McCall warned against making a low offer but to meet somewhere in the middle. Selectman Dalton stated that the Board has a responsibility to the Town to be fair and equitable and that the Board should look over the contract before making an offer. Selectman Dalton wanted to Board to know that Mr. Lynch has done a great job but his concern is "nickel and diming" other

employees in town and then on the other hand the Board is giving a \$20,000 raise. Selectman Eliopoulos responded by stating that the unions are not evaluated individually therefore you can't compare first year firefighter to the Town Manager.

The Board began to discuss the option of paying in steps. Pay options (\$5,000 cash bonus each year from FY03 to FY06) were discussed as possible pay options to boost Mr. Lynch's base up to \$130,000. Selectman Weisfeldt did not want to support a step pay because he thought the Town would lose Mr. Lynch. There was some confusion on how the four cash bonuses would work out mathematically but it was determined that starting retroactively FY03 a 4% raise would be given to raise the base pay; with a 3% increase in FY 06. (FY03-base \$119,000; FY04- base \$124,495; FY05- base \$129,000).

The Board agreed to call Mr. Lynch back in to discuss their proposal subject to verification of other communities looking for Town Managers offers as well as Mr. Lynch pulling any other applications.

Selectman Eliopoulos stated to Mr. Lynch the proposal to increase his base salary, which will be retroactive.

July 1, 2004- \$124,495

July 1, 2005- \$ 129.9

July 1, 2006- another 3% increase

Selectman Eliopoulos then informed Mr. Lynch that this was subject to him pulling his applications from other communities and that no vote has been taken. Selectman Dalton stated that he was concerned with how to address to the community a \$20,000 raise after dealing with unions.

Short Recess

Mr. Lynch stated that the numbers were fine but would like to structure them differently and make it easier in terms of the public. Mr. Lynch stated that he would not pull Lexington until the next meeting when the proposal will be settled.

Motion to adjourn meeting made by Selectman Dalton. Seconded by Selectman Eliopoulos. Motion carried. Meeting adjourned at 10:25 p.m.
Next scheduled meeting is January 24, 2005.

Respectfully Submitted,

Patrice Garvin

Board of Selectmen

Executive Session-January 24, 2005

Collective Bargaining:

Police: M. Lynch stated that the Town was sued by the Police Union for violating the Fair Labor Standards Act. The Fair Labor Standards Act stated that if someone works over 40 hours they are required time and a half. Mr. Lynch stated that Fire/Police were different and it is anytime over 70 hours over a 28 day period.

The mediation reached a settlement with police with no cost extra to the Town. The Town did not violate the Fair Labor Standards Act. Police can choose to take comp time but not when they want it there needs to be a 48 hour notice.

Fire: On February 9, 2005 mediation will occur both sides do not want it to go into arbitration.

Town Manager Contract:

Mr. Lynch proposed to the Board the following:

FY04-0% increase

FY05-Adjusted 2%

FY06-2% increase

FY07- 2% increase

FY08- negotiate

Vehicle - FY06 \$550 a month (currently \$450 a month)

Board Proposed at last Session:

FY05-\$124,495

FY06-\$126.9

FY07, 3% (\$134,135)

Mr. Lynch stated that this proposal is a good way to present the contract to the Town. Discussion followed regarding the step process and what happens when you max out your steps. Mr. Lynch stated that in 2008 the Board can renegotiate by looking at the current market. Selectman McCall stated that the step process was good for future Boards to follow. Mr. Lynch stated that the requested proposal is in line with what other communities are paying.

The Board voiced that the vehicle allowance was high and Mr. Lynch stated that it is higher because his proposal gives up \$7,000. Selectman Dalton stated that the Board in the past gave a "next to nothing" increase. Selectman Dalton also had concerns about dictating to future boards what to do with contracts. Mr. Lynch stated that everything else in the contract stays the same. Selectman Eliopoulos stated that if approved, Mr. Lynch needs to take out his name from anywhere else he applied. It was suggested to increase the amount of days to give notice. It is currently 60 days and it was thrown out to increase it to 90. Mr. Lynch stated that a 90 day notice was problematic.

Board Caucus, Mr. Lynch and Jeanne Parziale. stepped out of the room.

Selectman McCall stated that the vehicle allowance was too high. Selectman Dalton noted that this was the first time an increase in the vehicle allowance was discussed. Selectman Dalton asked whether mileage and travel expenses could be included, instead of an allowance but Selectman Eliopoulos stated that the allowance could not be taken away. Selectman Newcomb stated that even with the higher allowance it would cost more to replace Mr. Lynch.

Selectman Dalton asked what happens to the base in 2008 once the base is at \$143,000. Selectman Eliopoulos stated that with the union's adjustment are made and an adjustment would have to be made in salary or steps. Selectman Dalton reminded the Board that the information on what other town pay needs to be given before signing off. Selectman Eliopoulos stated that the medium pay for the stated needed to be supplied and what position are open and what they are paying.

Selectman McCall stated that he agrees with the pay schedule but would like to have seen a step schedule with the vehicle allowance. Selectman Newcomb and Weisfeldt also agreed with the pay schedule.

Selectman Newcomb asked if it made sense to have a quarterly review of Mr. Lynch's performance. Selectman Dalton replied by stating that it could be micro managing and that this was tough because the reviews are public.

Selectman McCall stated that at the last session it was decided that the increase be 4% and the pay schedule is not 4% but closer to 5%

Motion: Selectman Eliopoulos made a motion to approve the Town managers Contract, as proposed by the Town Manager,

- FY04-0% increase
- FY05-Adjusted 2%
- FY06-2% increase
- FY07- 2% increase
- FY08- negotiate
- Vehicle - FY06 \$550 a month

And in FY08 the \$143 base percent will be determined by the market, the above steps and performance of the Town Manager; including a vehicle allowance increase to \$550 a month. Selectman Newcomb Seconded. Motion Carried

Motion: Selectman Eliopoulos made a motion to close the Executive Session at 9:34 pm. Selectman Newcomb seconded. Motion unanimously carried.
Meeting adjourned at 9:35 pm

Respectfully submitted,

Patrice Garvin

BOARD OF SELECTMEN EXECUTIVE SESSION

MEETING MINUTES

February 23, 2005

The Board of Selectmen met in Executive Session on Wednesday, February 23, 2005 at the Town Offices beginning at 11:30 a.m. In attendance were Bernard Lynch, Town Manager; Jeanne Parziale, Assistant to the Town Manager; Selectmen Stuart Weisfeldt, Philip Eliopoulos, Thomas Newcomb, Michael McCall and William Dalton. John Giorgio representing Kopelman & Paige was also present. The purpose of the meeting was to hear a Litigation Update Report from Town Counsel.

Mr. Giorgio began by stating that a number of cases being handled require no action, and he elaborated on specific cases as follows:

B& M Corporation vs. the Town.

The railroad has filed a complaint against the Town because the Town took action against them for idling their trains for long periods of time in North Chelmsford. The railroad claims they are Federally chartered and not subject to local restrictions. Mr. Lynch said that idling of trains is becoming a big issue in Massachusetts, and that other towns are having the same experience, and getting resistance from the railroad. He reported on a meeting that was held with railroad executives who indicated they had no interest in cooperating. He said that their engineers gain access to the idling trains by way of Riverside Cemetery which is considered trespassing. Selectman Dalton said he can hear the train idling from his home several streets away.

The railroad is being aggressive in asserting their rights to operate regardless of any impact upon the neighborhood. MIIA has provided legal counsel for the Town. Assistance from the Attorney General is anticipated as well. The case is expected to go to Federal Court this spring.

Brem vs. Lockheed Martin and the Planning Board.

The Planning Board approved an addition to the Lockheed building last spring. It was appealed by Brem to the Land Court. Land Court held a trial last fall and a decision is expected soon.

Kelly v. Town

The resident has twice challenged the Town in Federal Court for taking his property for a sewer pump station. He was not successful, and is now looking for damages. This remains an active case.

Life Saver Ministries vs. Board of Appeals. The organization is anxious to move forward with the plan to build on the corner of Highland Avenue and Princeton Street despite a denial of their comprehensive permit. They are eligible to receive some funding at this time, but cannot accept it without a definite plan to build. The Town contends that the location is dangerous as access into and out of the proposed development is on a steep hill, making it very difficult for emergency vehicles such as fire trucks to approach the site. This is the reason the permit was denied. The case is now in Middlesex Superior Court for judicial review.

Princeton Development, Inc. vs. Zoning Board of Appeals

This case involves a proposed housing development under 40B at 243 Riverneck Road known as Princeton at Rivermeadow. Princeton Development's original proposal of 84 units did not meet with Town approval because of flood plain and wildlife habitat issues. The case went to Housing Appeals Committee in July 2003, and there have been several sessions. Subsequent discussions have taken place between the Town and the developer about a smaller project of around 48 units. Twenty-five percent of the units would be affordable. The Town and the developer are continuing discussions.

Town vs. Meadows Construction Company

The Town is trying to recover \$20,000 from Meadows which they over billed for the roof on the Old Town Hall.

Valley Properties vs. Planning Board

Stop & Shop at 299 Chelmsford Street was approved by the Conservation Commission, Board of Appeals, and Planning Board in 2001. The Board of Appeals and Planning Board approvals were appealed by the abutter, Valley Properties (DeMoulas). The Land Court held a trial in April 2004 on the consolidated appeals of the Planning Board and Board of Appeals decisions. One of the complaints centered on a meeting between Stop & Shop representatives and two Planning Board members. Valley Properties alleges that the meeting was improper and a violation of open meeting law. No decision has been issued yet by the Land Court.

Mr. Giorgio stated that a number of cases were closed in 2004 including the Beede Waste Oil Superfund Site. He stated that the number of problematic 40B projects is increasing, thus utilizing the time of the attorneys. Mr. Lynch said that a labor case had been settled (which did not involve Kopelman & Paige) after a considerable period of time. It involved the Patrolmen's Union and how compensatory time was paid.

Selectman Newcomb put forth the idea of charging developers for attorneys' fees incurred by the Town from the need to defend 40B issues.

In summary, Mr. Giorgio told the Board that Chelmsford is not plagued with needless litigation and is fortunate that its boards and committees are highly competent. He stated that the major cases for the coming year would likely be Princeton Development, B& M Railroad, Life Saver Ministries, and Lockheed Martin.

There being no further business the meeting adjourned at 12:40 p.m.

Respectfully submitted,

Janet Murphy

BOARD OF SELECTMEN EXECUTIVE SESSION

MEETING MINUTES

May 23, 2005

1. Chairman Eliopoulos handed out subcommittee assignments.
2. Eminent Domain Taking for North Road Signalization Projects.

MR. Lynch provided the Board with a list of properties and property owners regarding land acquisitions. Mr. Lynch stated that the value of the land was offered.

Motion: Selectman Dalton made a motion to authorize the Town Manger to negotiate the purchase of the parcels (both permanent and temporary easements) for the sum up to the value listed at the recent Town Meeting. Failing the successful negotiations and purchase listed above. Selectman McCall seconded. Motion carried.

Motion: Selectman Dalton made a motion to acquire the parcels (both permanent and temporary easements) by domain taking for a value to be determined by an appraisal. Selectman McCall seconded. Motion carried.

Motion: Selectman Eliopoulos made a motion to adjourn at **10.33: pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session
Monday, June 20, 2005
Town Offices, 50 Boston Road

Attending:

Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the
Town Manager

Sewer Commission:

1. Mr. Lynch reported that money had disappeared from the sewer office. It turned out that an employee was pocketing permit money that came in as cash. So far \$2,000 was given back but that at least another \$1,600 is still missing. Another employee in the department tried to cover up the missing money. The employee that had taken the money was terminated and the other employee was asked to resign. Chairman Eliopoulos asked if there were any ramifications thus far. Mr. Lynch stated that the police have been notified and criminal charges may be filed. Mr. Lynch highlighted the sewer permit fee system and how it should fall under the treasurer office.
2. Mr. Lynch told the Board that sewer counsel is retiring and is filing for benefits through the Town. Mr. Lynch stated that his office was under the impression that his firm was under contract. Sewer Counsel is arguing that he worked as Town Counsel from 1977-1990 at \$500 per year plus an hourly rate and then under an employment contract from 1991-1995 which would be his highest years, and then as Sewer Counsel from 1995-2005 at \$25,000 per year, and therefore he is entitled to benefits based upon all of this time. Mr. Lynch indicated that there may be some dispute of the period of 1977-1990 but the biggest issue is 1995-2005 during which the Town paid the firm and the firm in turn paid the employee. This would not be an employee relationship with the Town. With the years of service and the rate he was making the sewer counsel is looking at 20-25,000 dollars in year in pension. A letter was sent to Middlesex retirement by the Sewer Commission stating that counsel was an employee. Mr. Lynch stated that there is a hearing on July 14 and a representative from Town Counsel, Kopelman and Paige, will be there. Selectman Dalton asked who gave the authority to send the letter. Mr. Lynch responded that the Sewer Commissioner acts as a separate political elected body but it was the Selectmen's authority to appoint counsel and the Town Manager to approve employees. Mr. Lynch stated that he would have more information at the next meeting.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at
9:59: pm. Selectman McCall seconded. Motion unanimously carried.

Respectfully Submitted,

Patrice Garvin

2. There was a call from a resident who had two dogs and moved in with someone with two dogs. Mr. Lynch is looking into whether or not they are violating the by-law for number of pets.
3. A group called Common Cause is looking to put a ballot question for the fall election to create a separate committee to look at redistricting rather than a political body. Selectman Newcomb stated that other states are beginning to do something similar.
4. Chairman Eliopoulos asked Mr. Lynch about a problem with a resident at Blaisdell Rd. Mr. Lynch stated that letter have gone out to address the problem. Mr. Lynch remarked on a similar problem at Meadowbrook and legal actions are being taken. There is a hearing next week regarding this issue.
5. A Post box was removed from Central Square and the reason of cut backs was given. The Businesses in the center are passing around a petition and are looking for the Board to sign the petition.
6. Chairman Eliopoulos thanked all of the volunteers that worked on the 350th celebrations. Chairman Eliopoulos stated that the events have shown the true spirit of the Chelmsford Community.
7. Selectman Dalton asked where things were with the Drum Hill area. Chairman Eliopoulos responded that the plan is to work on it this summer and to be finished by the fall.
8. Chairman Eliopoulos hoped to have a meeting for the McFarland Sound Barrier so residents could come and give their input.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at **9:24: pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **July 11, 2005**

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session
Monday, June 20, 2005
Town Offices, 50 Boston Road

Attending:

Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the
Town Manager

Sewer Commission:

1. Mr. Lynch reported that money had disappeared from the sewer office. It turned out that an employee was pocketing permit money that came in as cash. So far \$2,000 was given back but that at least another \$1,600 is still missing. Another employee in the department tried to cover up the missing money. The employee that had taken the money was terminated and the other employee was asked to resign. Chairman Eliopoulos asked if there were any ramifications thus far. Mr. Lynch stated that the police have been notified and criminal charges may be filed. Mr. Lynch highlighted the sewer permit fee system and how it should fall under the treasurer office.
2. Mr. Lynch told the Board that sewer counsel is retiring and is filing for benefits through the Town. Mr. Lynch stated that his office was under the impression that his firm was under contract. Sewer Counsel is arguing that he worked as Town Counsel from 1977-1990 at \$500 per year plus an hourly rate and then under an employment contract from 1991-1995 which would be his highest years, and then as Sewer Counsel from 1995-2005 at \$25,000 per year, and therefore he is entitled to benefits based upon all of this time. Mr. Lynch indicated that there may be some dispute of the period of 1977-1990 but the biggest issue is 1995-2005 during which the Town paid the firm and the firm in turn paid the employee. This would not be an employee relationship with the Town. With the years of service and the rate he was making the sewer counsel is looking at 20-25,000 dollars in year in pension. A letter was sent to Middlesex retirement by the Sewer Commission stating that counsel was an employee. Mr. Lynch stated that there is a hearing on July 14 and a representative from Town Counsel, Kopelman and Paige, will be there. Selectman Dalton asked who gave the authority to send the letter. Mr. Lynch responded that the Sewer Commissioner acts as a separate political elected body but it was the Selectmen's authority to appoint counsel and the Town Manager to approve employees. Mr. Lynch stated that he would have more information at the next meeting.

**TOWN OF CHELMSFORD
BOARD OF SELECTMEN EXECUTIVE SESSION MINUTES**

Monday, January 23, 2006
50 Billerica Road, Town Hall

Attending:

Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

**Executive Session
January 23, 2006
10:26 P.M.**

1. Police Settlement: Mr. Lynch reported that the Police Union settled at percentages 0/2/3 with a performance evaluation for superior officers on an annual basis. There will be a \$750 signing bonus.
2. Collective Bargaining: Mr. Lynch commented that under Section 19 the Town can negotiate with all unions at once, but that it would not be good for the Town. Mr. Lynch recommended staying with the 150E collective bargaining law. Mr. Lynch intends to write a letter to unions stating the town will not accept Section 19 but bargain under Section 150E.

Motion: Selectman McCall made a motion to continue to support bargaining under Section 150E. Selectman Newcomb seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to adjourn Executive Session at **10:47pm**. Selectman McCall seconded. Motion unanimously carried

TOWN OF CHELMSFORD

BOARD OF SELECTMEN; Executive Session Minutes

Monday, April 10, 2006

50 Billerica Road, Town Hall

Attending:

Michael F. McCall, Selectman Chairman

Samuel Chase, Selectman Vice Chair

William F. Dalton, Selectman Clerk

Thomas A. Newcomb, Selectman

Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager

John Giorgio, Kopelman and Paige

9:25pm

Litigation Update:

Mr. Giorgio stated that there were twenty five active litigation cases. Mr. Giorgio referred to a listing of those cases and asked if the Board had specific questions.

Chelmsford Building Inspector v. Kaminski

Selectman Dalton stated that he had spoken to the Building Inspector and asked who was liable for the equipment. Selectman Dalton asked where the Town stood in regards to testing and leaks. Mr. Giorgio stated that under 21E exemptions fall under liability, and the involuntary possessor of the equipment is exempt from liability.

B&M Corporation v. Town of Chelmsford

Selectman Dalton asked about the train idling that was an issue in the past. Mr. Lynch stated that he has met with Andover and Westford, who are also involved in the case. There is a new device that will be used that will enable the engines to shut off so they will not be idling. Mr. Lynch reported that it is a sizable cost.

Brem Family Nominee Trust v. Lockheed Martin Corporation and Chelmsford Planning Board

Selectman Newcomb asked about the status on this case. Mr. Giorgio stated that the case was filed on April 4, 2006. Mr. Lynch stated that the Town was in favor of Lockheed.

Orchard Woods

Mr. Lynch stated that this property was off of Turnpike Road and there was a possible excess of profits for \$246,000. Mr. Giorgio stated that papers are being prepared on this issue.

Life Savers Ministries, Inc. v. Chelmsford Zoning Board of Appeals

Mr. Giorgio stated that this is being filed in appeals court.

Town of Chelmsford v. Natale Sergi, et al.

Mr. Giorgio stated that Stop-n-Shop board upheld the major appeals and now is working with the Planning Board.

Westford Tennis Center v. Town of Chelmsford and Chelmsford Planning Board

Mr. Giorgio stated that this case was filed November 5, 2005. The Planning Board agreed to remand the order. Mr. Giorgio was concerned if the town gave access to the sewer.

Sewer Commission

Selectman Eliopoulos asked what the liability of the Town was if private citizens received free connections to the sewer. Mr. Giorgio stated that it was an individual situation and the ramifications will fall with that individual. Selectman Dalton stated that the Board is aware of the situation and is looking into whether something was done inappropriately. Mr. Lynch stated that he would sit down with the Town Engineer and look into the sewer commission. Mr. Lynch noted that the Town counsel will also be looking into this situation.

Collective Bargaining:

Mr. Lynch stated that the Insurance Advisory Committee sent recommendations not as a committee but as the Insurance coalition. In the letter it stated that it would not accept conditions unless the Town adopts Section 19. Mr. Lynch stated that Section 19 was not a good law for the Town. Selectman Eliopoulos stated that the Town should only respond to the Insurance Advisory Committee and not the recently created coalition. Mr. Lynch stated that he would send a letter to the Insurance Advisory Committee.

Motion: Selectman Chase made a motion to adjourn executive session at **10:14pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN; Executive Session Minutes
Monday, April 24, 2006
Groton Road, Senior Center

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager
Jay Taleman, Town Counsel

7:16pm

Special Town Warrant Articles:

Mr. Lynch stated that there were some properties on the special town warrant that will cause a lot of discussion during Town Meeting. Mr. Taleman stated that on all of the proposed warrant articles they are subject to no more than one dwelling on the property. Mr. Lynch noted that there was concern with the Mill Road site and the number of dwellings that could be built on it. Selectman Eliopoulos suggested that it be clearly stated that the purpose of the selling of the land is to put money into the stabilization fund.

Collective Bargaining:

Mr. Lynch stated that a letter has gone out regarding health insurance and retirees. The issue is the 60/40 split, and that some retirees stated that it was a 75/25 split. Selectman Eliopoulos asked if the Board had the power to set the rate. Mr. Taleman stated that he was unsure, but added that under Section 19, which the Town has not adopted, it is not legal to change the rate.

Motion: Selectman Chase made a motion to adjourn executive session at
7:30pm. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin



TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES Executive Session
Monday, May 22, 2006
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Chairman
Samuel Chase, Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager
Dave Jenkins, Town Counsel
Kerry Speidel, Finance Director
Jeanne Parziale Personnel Director

William F. Dalton, Clerk was absent.

8:36pm

Section 19:

Mr. Lynch stated that he had received a letter in March from the Insurance Advisory Coalition, and was now looking for specific information from town counsel regarding the Town approving Section 19. David Jenkins, Kopelman and Paige, stated that in 1993 Section 19 was passed in Massachusetts, and since that time eight towns have accepted it. Mr. Jenkins stated that Section 19 was not official in a town until the Board of Selectmen approved it.

Jeanne Parziale asked who appointed the retirement representatives on the Insurance Advisory Committee. Mr. Jenkins replied that they are voted or appointed to the seat. Mr. Jenkins noted that once a Town accepts Section 19 it is nearly impossible to undo; it would take 70% of the total Insurance Advisory Committee to reverse the decision.

Chairman McCall asked how many people make up the Advisory Committee now. Mr. Lynch said there were eight members on the Insurance Advisory Committee.

Selectman Chase asked about the recent Lowell Sun editorial regarding getting unions to the table. Mr. Lynch stated that the Sun was responding to an editorial in the past written in favor of Section 19. Now, after seeing the problems in Dracut and Tewksbury with Section 19 the Sun is expressing a different opinion.

Selectman Eliopoulos asked if Kopelman and Paige were advising communities not to adopt Section 19. Mr. Jenkins stated that his firm was not advising the Town adopt Section 19. Mr. Jenkins stated that under 150E the public employees can bargain but it does not include retired employees. Chairman McCall suggested an informational pamphlet go out to the public.

Chairman McCall asked if the BOS, by statute, is entitled to a stipend. Mr. Jenkins stated that he would look into the issue.

Land Sale:

1. Blue Ribbon Development—Mr. Lynch stated that this property needs to go through the bidding process. Mr. Lynch noted the objective is to have the development be one hundred percent affordable. Chairman McCall asked what the rationale for this was. Mr. Lynch commented on the need for access to the development. Chairman McCall suggested using the money from the sale for open land. Mr. Lynch stated that it is designed for a large number of units. Selectman Newcomb asked what the acreage was, and Mr. Lynch replied that it was fourteen acres of building area for the development.
2. Mill Road—Mr. Lynch commented on the ten acres of land off of Mill Road, which was rejected at Town Meeting.

Joint Committee-BOS, FinCom and School Committee:

The Board discussed the need for a joint meeting in June. Selectman Chase commented that he was in favor of having the chairs of the Boards meeting on a regular basis.

Motion: Selectman Chase made a motion to adjourn executive session at **9:27pm**. Selectman Newcomb seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD

BOARD OF SELECTMEN Executive Session MINUTES

Monday, July 5, 2006

50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman

Bernard Lynch, Town Manager

Samuel Chase, Selectman Vice Chair

Thomas A. Newcomb, Selectman

Philip M. Eliopoulos, Selectman

William F. Dalton, Selectman Clerk

6:15pm

Chairman McCall asked if a letter of resignation was filed with the Town Clerk. Mr. Lynch stated a letter had not been filed, because he needs an effective date. Mr. Lynch referred to his contract and the need to give a sixty day notice. Mr. Lynch requested that the Board accept a July 31, 2006 date of resignation. Mr. Lynch noted that he could still be available to the acting Town Manager after July 31, 2006. Selectman Chase asked if Lowell had a problem with a continued availability to Chelmsford. Mr. Lynch stated that he has spoken with Lowell City Councilors and they understand the situation.

Chairman McCall asked for a compelling argument to let Mr. Lynch go earlier; specifically with Standard and Poor's bond rating. Mr. Lynch stated that Standard and Poor's does not rate a Town unless asked, and added that they do not rate mid-year. Selectman Dalton proposed forty five days instead of sixty days.

Selectman Eliopoulos asked if Mr. Lynch could be available to the Town for a certain amount of hours after July 31st and stated that the need for assistance would possibly extend into late October and maybe beyond to spending some time with a new Town Manager. Mr. Eliopoulos proposed a commitment of 100 hours. Mr. Lynch acknowledged the tough transition in both communities and was willing to work it out with the Board. Mr. Lynch stated that he would draft a letter committing to time after July 31st.

Selectman Newcomb asked if there was anything pressing currently, and if the Board could get list of top issues. Mr. Lynch stated that basically everything was assigned to staff and that he would prepare a report for the Board.

Selectman Eliopoulos suggested that the Board work to show a good spirit of cooperation to the public. Selectman Eliopoulos also requested that Mr. Lynch do not pull the best people over to Lowell. Chairman McCall agreed, and asked that no recruiting be done until the first of the year. Mr. Lynch made a commitment not to actively recruit any department heads for a period of at least 90 days.

Selectman Dalton stated that he supported 45 days rather than sixty. Chairman McCall asked how much leave time Mr. Lynch currently had. Mr. Lynch guessed that it was

around 55 days. Selectman Dalton asked what happened if he did not use that leave time. Mr. Lynch replied that he would be paid. Selectman Chase had no problem with the Mr. Lynch's proposal, as long as it was in writing.

Selectman Eliopoulos stated that the Board could decide on an Interim Town Manager to assist with the transition. Chairman McCall stated that a decision could not be discussed without violating the open meeting law. Selectman Chase was in favor of appointing someone in house for the interim Town Manager. Selectman Eliopoulos stated that if the interim is found in house then compensation would be needed but it would be less than an outside interim manager.

Proposed Motion: Selectman Chase made a motion to honor the release date of July 31, 2006 to Bernard Lynch, allowing him to resign effective this date; Notice given on June 30, 2006. This motion is contingent upon a formal letter of resignation being drafted indicating a minimum of one hundred hours on an as needed basis; in lieu of thirty days left in contract. Selectman Dalton seconded the motion.

Discussion of Motion:

Selectman Eliopoulos wanted to discuss further the issue of the Interim Town Manager before he voted on the motion because he wanted to be comfortable that the Town was adequately covered by someone in the chief administrative position. Mr. Lynch noted that in the past the Acting Town Manager was the Finance Director and that Kerry Speidel, was very comfortable with the staff, and has been an Assistant Town Manager and Town Manager in the past in other communities and that she in fact met the qualifications for the permanent position. Mr. Lynch stated that she needed to be contacted if the Board was interested in appointing her to the Interim Town Manager position. Mr. Lynch stated that any Interim Town Manger needed to accept the position with a time period not to extend ninety days.

Selectmen Eliopoulos expressed concern that the search process needed to move forward to have someone in place within the ninety day period if Mr. Lynch was leaving on July 31st. Mr. Lynch stated that he would help with the initial search process by advertising the position and he handed out a proposed job listing for the Town Manager position which he suggested be published in the MMA BEACON and the ICMA Newsletter. Selectman Chase suggested a salary range be placed within the listing. The Board decided to list the total compensation as \$120,000-145,000.

Mr. Lynch stated that the other step that needed to be taken in the near term was the appointment of a Screening Committee as required by the Town Charter and that he had discussed the process with Town Counsel. Atty. Lauren Goldberg was called to discuss the charter, and it stating that a screening committee needed to be formed when hiring a Town Manager. Ms. Goldberg pointed out that the charter requires a nine member screening committee unless there is a by-law.

Selectman Newcomb asked if there could be five Selectman and four appointed members on the screening committee. Ms. Goldberg stated that there was nothing prohibiting this from occurring adding that in that case once candidates are at the semi-finals, the interviews have to be open to the public; but before that the screening committee meetings can fall under executive session. Mr. Lynch stated that the committee can be given a timeline to have a certain number of candidates by a certain date.

Selectman Eliopoulos stated that candidates should be told their names are confidential until they are interviewed. Ms. Goldberg suggested calling applicants to let them know their names were private until the semi-finals. Ms. Goldberg also suggested contacting the DA to rule out potential open meeting law concerns during the interview process. Selectman Dalton suggested the Board think about possible people to be appointed on the screening committee.

Selectmen Eliopoulos stated that he felt comfortable that the Town was well positioned to move forward in a transition to a new Town Manager noting that an interim would be selected to manage the Town, that the process of selection could move forward expeditiously and that Mr. Lynch would be available into the future not just for the month of August if the 60 day notice period was retained which would be better for the Town. Based on these factors he would support the motion.

Motion: Selectman Chase made a motion to honor the release date of July 31, 2006 to Bernard Lynch, allowing him to resign effective this date; Notice given on June 30, 2006. This motion is contingent upon a formal letter of resignation being drafted indicating a minimum of one hundred hours on an as needed basis; in lieu of thirty days left in contract. Selectman Dalton seconded the motion. Roll call vote:

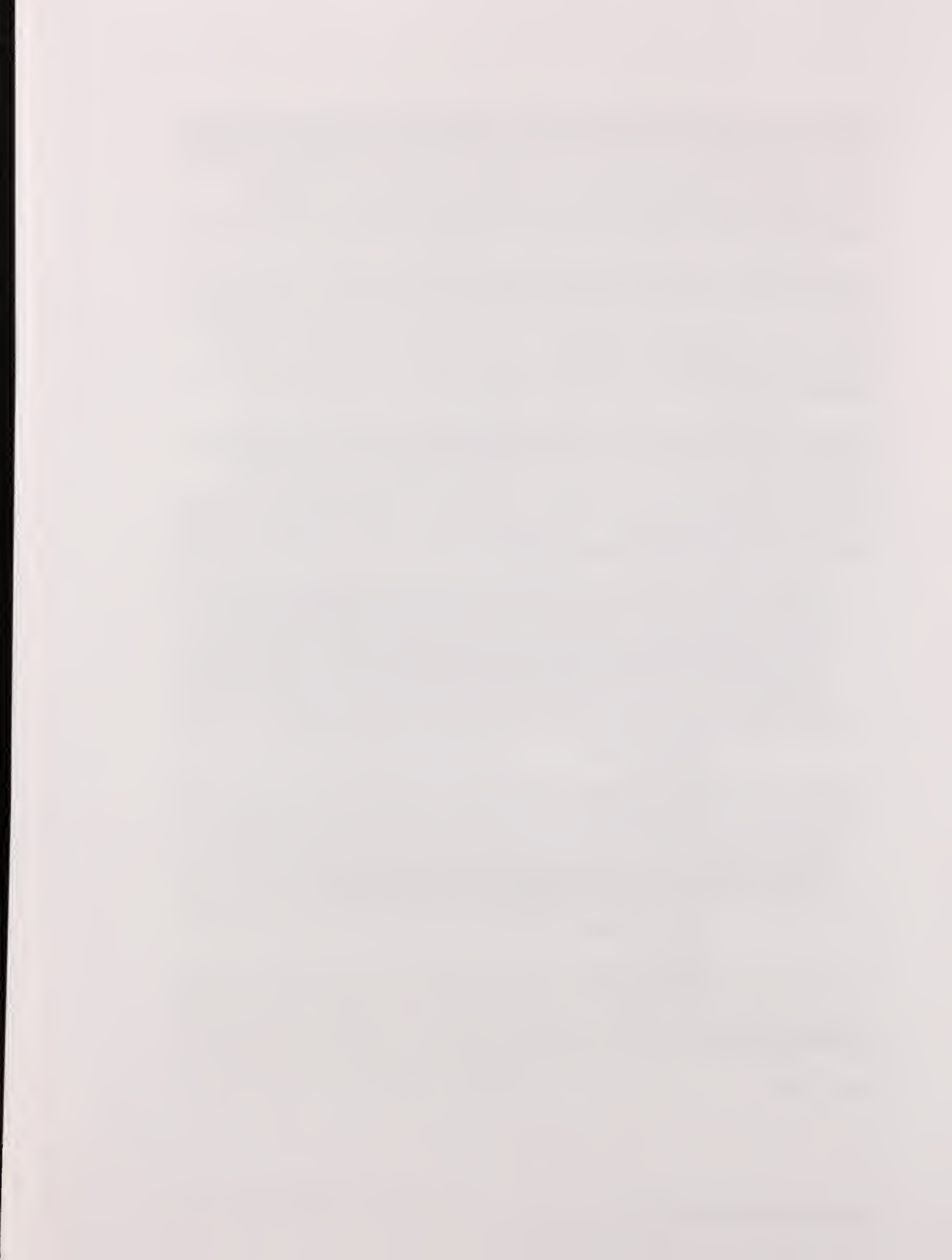
Chase- Aye
Eliopoulos- Aye
Dalton- Aye
Newcomb- Aye
McCall- Aye

Motion: Selectman Chase made a motion to adjourn executive session at 8:16pm. Selectman Dalton seconded the motion. Roll call vote:

Chase- Aye
Eliopoulos- Aye
Dalton- Aye
Newcomb- Aye
McCall- Aye

Respectfully submitted,

Patrice Garvin



TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session MINUTES
Monday, July 5, 2006
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk

Bernard Lynch, Town Manager

6:15pm

Chairman McCall asked if a letter of resignation was filed with the Town Clerk. Mr. Lynch stated a letter had not been filed, because he needs an effective date. Mr. Lynch referred to his contract and the need to give a sixty day notice. Mr. Lynch requested that the Board accept a July 31, 2006 date of resignation. Mr. Lynch noted that he could still be available to the acting Town Manager after July 31, 2006. Selectman Chase asked if Lowell had a problem with a continued availability to Chelmsford. Mr. Lynch stated that he has spoken with Lowell City Councilors and they understand the situation.

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Selectman Eliopoulos suggested that the Board work to show a good spirit of cooperation to the public. Selectman Eliopoulos also requested that Mr. Lynch do not pull the best people over to Lowell. Chairman McCall agreed, and asked that no recruiting be done until the first of the year. Mr. Lynch made a commitment not to actively recruit any department heads for a period of at least 90 days.

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around 55 days. Selectman Dalton asked what happened if he did not use that leave time. Mr. Lynch replied that he would be paid. Selectman Chase had no problem with the Mr. Lynch's proposal, as long as it was in writing.

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Discussion of Motion:

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Chase- Aye
Eliopoulos- Aye
Dalton- Aye
Newcomb- Aye
McCall- Aye

Motion: Selectman Chase made a motion to adjourn executive session at 8:16pm. Selectman Dalton seconded the motion. Roll call vote:

Chase- Aye
Eliopoulos- Aye
Dalton- Aye
Newcomb- Aye
McCall- Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session MINUTES
Monday, July 24, 2006
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager
Kerry Speidel, Finance Director

10:20pm

Chairman McCall called the meeting to order.

Mr. Lynch reported that the custodial staff has changed because an employee is leaving; opening up the opportunity to hire a private service. Mr. Lynch stated that past and present service of the buildings has been below standard and needs to improve. Mr. Lynch stated a private cleaning service could also save the Town money.

Selectman Dalton asked why problems come to the Board when they get to a crisis. Mr. Lynch stated that it has been a constant battle because projects are left undone but it is not a crisis. Mr. Lynch noted that having a private service come in has been discussed in the past. Mr. Lynch recognized that the union would have an issue hiring a private company.

Motion: Selectman Chase made a motion to adjourn Executive Session at **10:37pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD

BOARD OF SELECTMEN Executive Session MINUTES

Monday, July 24, 2006

50 Billerica Road, Town Offices

RECEIVED
JUL 25 2 54 PM '06
TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Attending:

Michael F. McCall, Selectman Chairman

Samuel Chase, Selectman Vice Chair

William F. Dalton, Selectman Clerk

Thomas A. Newcomb, Selectman

Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager

Kerry Speidel, Finance Director

10:20pm

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Motion: Selectman Chase made a motion to adjourn Executive Session at **10:37pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session MINUTES
Monday, August 28, 2006
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk

Kerry Speidel, Acting Town Manager
John Giorgio, Town Counsel

Motion: Selectman Chase made a motion to call the executive session meeting to order at 6:00pm. Selectman Dalton seconded the motion.
Roll call was taken.

Princeton @ Riverneck:

Ms. Speidel outlined the issue before the Board. The lawyer on the Princeton case is moving to a new law firm. The Board needed to decide whether or not to keep him on the case or to appoint a new lawyer from the Towns appointed law firm. Mr. Giorgio stated that the Board should decide what is in the best interest of the Town. Mr. Giorgio noted that the Board should consider Jay Talerman's rate and the arrangements of his firm. Chairman Eliopoulos stated that he needed a compelling reason to switch the attorneys on the case. Selectman Dalton stated that the Town voted that Kopelman and Paige would be Town counsel, and an attorney from that firm should be on the Princeton Property case.

Selectman Chase asked if there would be any gaps if a new attorney was appointed. Mr. Giorgio replied that Mr. Talerman has a capable attorney who could take over and would do a good job. Selectman Newcomb was concerned that it was too late in the game to switch attorneys. Mr. Giorgio stated that Jay Talerman would need to check with his new firm to make sure there are no conflicts. Mr. Giorgio noted that he would follow up to find out if there were conflicts. Mr. Giorgio stated that all documentation on the case can be copied and sent to his law firm.

Motion: Selectman Eliopoulos made a motion to keep the conservation DEP with Kopelman and Paige and keep Jay Talerman of Angel, Palmer and Dodge on the 40B piece; contingent that any conflicts be recognized, the fee is acceptable and that Kopelman and Paige would get copies of the files. Selectman Newcomb seconded the motion. Motion carried. (3-1 Selectman Dalton dissenting and Selectman McCall absent)

The Board was polled:

Selectman Chase	Yeah
Selectman Eliopoulos	Yeah
Selectman Newcomb	Yeah

(C)

(C)

(C)

Collective Bargaining Library:

Ms. Speidel stated that the negotiations have been successful and the union agreed to an increase in co-pay. There was a question to the definition of part-time. Ms. Speidel stated that she would check on the definition. Ms. Speidel stated that the salary was a [2 3 2]. Ms. Speidel stated that it was a reclassification of their contract. Selectman Dalton asked if the Town could afford the increase. Ms. Speidel stated that there is money in the budget.

Motion: Selectman Eliopoulos made a motion to approve the recommended reclassification of the library contract. Selectman Newcomb seconded the motion. Motion carried. (Selectman McCall absent)

Board polled

Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Newcomb	Aye
Selectman Dalton	Aye

Question to Counsel:

Selectman Eliopoulos asked Mr. Giorgio if two recommendations could go on the Town warrant and have Town meeting debate both options. Mr. Giorgio stated that the Board of Selectman can only recommend one, and if that fails another motion could be offered at Town meeting.

NCWD/DPW Yard:

Ms. Speidel reported that she asked Mr. Pearson to sit in on this discussion. Ms. Speidel stated that in 1998 there was a rezoning of a certain section of the water district site. Ms. Speidel noted that she met with the Water District to address their list of concerns and some progress was made. Ms. Speidel stated that the Water District is saying that the stockpile is contaminating the water but there is no proof that this is happening. Selectman Chase stated that nothing should be done until the DEP comes in to inspect the site. Ms. Speidel stated that other options are being looked into. Mr. Pearson stated that if the site is changed through zoning changes it could hurt the DPW operations. Ms. Speidel stated that the Town needed to wait for the DEP.

Selectman Dalton asked about the Country Club. Mr. Pearson stated that a meeting was occurring soon. Selectman Dalton suggested a site-walk.

Motion: Selectman Chase made a motion to adjourn out of executive session at 7:15pm. Selectman Dalton seconded the motion. Motion unanimously carried.

Board polled:

Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Newcomb	Aye
Selectman Dalton	Aye



TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- Executive Session
Monday, January 8, 2007
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Paul Cohen, Town Manager

10:45pm

Vice Chairman Chase called the meeting to order. The Board reviewed twenty one applications for the Town Accountants position. The Board selected three candidates that met the criteria for municipal experience in town accounting. The final three candidates were Darlene Lussier, Kim Fields and Wendy Reed.

Selectman Dalton recommended hiring Darlene Lussier because she possessed the experience needed and was an in-house candidate. Selectman Eliopoulos suggested a subcommittee of the Board to interview the final three candidates. The meeting was scheduled for Wednesday January 17th, and Board members who could attend would be present.

Motion: Selectman Newcomb made a motion to have a screening committee meet to interview Town Accountant candidates Darlene Lussier, Kim Fields and Wendy Reed, on Wednesday January 17, 2007. Selectman Eliopoulos seconded the motion. Motion carried.

Selectman Newcomb	Aye
Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman McCall	Aye

Motion: Selectman Chase made a motion to adjourn Executive Session at **10:58pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Newcomb	Aye
Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman McCall	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- Executive Session
Monday, January 22, 2007
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Paul Cohen, Town Manager

9:30pm

1. *Chelmsford Street Covenant*- The Board discussed that the first step is for the covenant to be discussed by the Planning Board. If the plan is resubmitted by the developer to the selectmen, the covenant must be addressed.
2. *Riverneck Road*- Mr. Cohen stated that the issue could be resolved by February.
3. *Chapter 70 Funding Civil Case*- A legal opinion was written and given to the Town on its options.
4. *Meadows Construction*- Mr. Cohen noted that this case was lost for the Town. The Board discussed where mistakes were made.
5. *Lifesaver Ministries*- Mr. Cohen noted that Town counsel is advising the Town to drop the case. The Board decided to vote on this issue at the next Board meeting.

Motion: Selectman Chase made a motion to adjourn Executive Session at
9:45pm. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Newcomb	Aye
Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman McCall	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- Executive Session
Monday, February 26, 2007
50 Billerica Road, Town Offices

Attending:

Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Paul Cohen, Town Manager

10:05pm

1. Mr. Cohen reported that there has been correspondence with North Chelmsford Auto Parts and the movement on the litigation with the Town.
2. Mr. Cohen reported that a letter was received asking for sewer service for the Westford Racket and Fitness Club. A copy has been sent to the sewer commission. Mr. Cohen stated that no action was needed from the Board.

Motion: Selectman Chase made a motion to adjourn Executive Session at **10:30pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Newcomb	Aye
Selectman Chase	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman McCall	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD

BOARD OF SELECTMEN MINUTES- Executive Session

Monday, April 9, 2007

50 Billerica Road, Town Offices

Attending:

Samuel Chase, Selectman Chairman

Paul Cohen, Town Manager

Philip M. Eliopoulos, Selectman Vice Chair

Clare Jeannotte, Selectman Clerk

Patricia Wojtas, Selectman

William F. Dalton, Selectman

8:50pm

Chairman Chase called executive session to order.

Bentley and Stillwater Drainage Report:

Mr. Cohen reported that the drainage study, by LandTech, concluded that there were no drainage concerns for abutting properties. Chairman Chase was concerned with presenting the Town Land articles at the upcoming Town Meeting and suggested pulling the article. Selectman Dalton suggested working on the article and then pulling it if the issues are not resolved. Selectman Eliopoulos suggested having the article on the fall Town Meeting warrant giving the Town the chance to work with residents. Selectman Eliopoulos added that the study should be distributed to abutters and to let the abutters know the Town is still willing to meet with them.

Motion: Selectman Eliopoulos made a motion to table the Town meeting Warrant article regarding Bentley and Stillwater properties in order for the Town to distribute the LandTech study and to conduct more outreach with neighbors; possibly placing the article on the fall Town Meeting Warrant. Selectman Jeannotte seconded the motion. Motion carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Russell Road Parcel B:

Selectman Eliopoulos gave a brief history of the dispute and noted that Parcel B was not settled. Mr. Clancy has no title to the land in dispute but has been paying taxes on the land for some time. Town Meeting voted to authorize the Board to convey the property to Mr. Flannery last year. Selectman Eliopoulos stated that the two parties are negotiating and that Mr. Clancy would like an easement to the property along with his taxes being paid back for the past three years.

110 Drum Hill Road:

Mr. Cohen updated the Board on past correspondence between the state and the previous Town Manager, regarding this property. Considering the amount the state wants for the property Mr. Cohen asked if a letter could be written to indicate no interest from the Town to purchase the property.

Motion: Selectman Eliopoulos made a motion to authorize the Town Manager to send a letter to the state stating no interest in the property at 110 Drum Hill Road. Selectman Jeannotte seconded the motion. Motion carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Old Business:

0. Selectman Eliopoulos asked about an abandoned boarded up home on Rte 110. Selectman Dalton suggested finding out who owns the home.
0. Mr. Cohen reported that three parties were interested in Katrina Road and the Town is waiting for an appraisal on the property.
0. NCWD- Chairman Chase asked about the pending litigation from the North Chelmsford Water District (NCWD). Chairman Chase stated that the Board should have a unified position on the issue and that the Town is following the recommendations made by the NCWD Ad Hoc Committee.

Motion: Selectman Eliopoulos made a motion to adjourn Executive Session at **10:00pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- Executive Session
Monday, April 23, 2007
50 Billerica Road, Town Offices

Attending:

Samuel Chase, Selectman Chairman
Philip M. Eliopoulos, Selectman Vice Chair
Clare Jeannotte, Selectman Clerk
Patricia Wojtas, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

9:50pm

Chairman Chase called executive session to order.

Russell Road Parcel B:

Mr. Cohen briefly discussed communication with the lawyers of Mr. Clancy and Mr. Flannery. Mr. Cohen noted that the agreements being drawn up would be reviewed by Town counsel, and then the parties would be contacted.

Motion: Selectman Eliopoulos made a motion approve the selling of Parcel B to Paul Flannery for \$6,900 and to have him pay all fees for drafting and recording any documents, subject to Mr. Flannery's granting of an easement to Mr. Clancy. The Town will pay back Mr. Clancy for three years of taxes paid on the property.

Selectman Jeannotte seconded the motion. Motion carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Motion: Selectman Eliopoulos made a motion to adjourn Executive Session at **10:05pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- Executive Session
Monday, July 16, 2007
50 Billerica Rd, Chelmsford

Attending:

Samuel Chase, Selectman Chairman
Philip M. Eliopoulos, Selectman Vice Chair
Clare Jeannotte, Selectman Clerk
Patricia Wojtas, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

9:30pm

Chairman Chase called the meeting to order.

Litigation:

Mr. Cohen updated the Board on recent litigation with an individual who sued the Town over unlawful arrest. Mr. Cohen stated that the Town lost the criminal trial and the arresting officer resigned due to unethical practices. Mr. Cohen informed the Board that mediation was tried and the individual was seeking \$225,000 in settlement. Mr. Cohen stated that middle ground could be met but and would keep the Board updated.

Home Invasion:

Mr. Cohen updated the Board on the recent home invasion in Town. Mr. Cohen stated that one person was apprehended but another had escaped custody.

Motion: Selectman Eliopoulos made a motion to adjourn Executive session at
9:50pm. Selectman Jeannotte seconded the motion. Motion unanimously
carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Executive Session MINUTES
Monday, July 23, 2007
50 Billerica Rd, Chelmsford

Attending:

Samuel Chase, Selectman Chairman
Clare Jeannotte, Selectman Clerk
Patricia Wojtas, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager
James Murphy, Police Chief
Jeremy Silverstein, Town Counsel

4:30 pm

Chairman Chase called the meeting to order. Chairman Chase requested a motion to enter executive session for the purpose of having Town Counsel provide a legal update to the Board.

Motion: Selectman Dalton moved to go into executive session to discuss litigation, not to return to open session. Selectman Jeannotte seconded the motion. Roll call vote:

Chase - Aye
Jeannotte - Aye
Wojtas - Aye
Dalton - Aye

Mr. Cohen introduced Mr. Silverstein, who explained that the Coviello case is a civil litigation case that arose on August 31, 2001 out of a routine police stop of Mr. Coviello for a loud muffler and non-operating taillight at 11:45PM. on Chelmsford Street. Mr. Silverstein described the case background. He noted that Mr. Coviello was stopped by Police Officer Horan, who is a convicted felon and no longer a member of the Chelmsford Police Department. He further explained that Mr. Coviello was found not guilty in the criminal proceedings related to this traffic stop, Mr. Coviello's subsequent fleeing of the scene, and the armed stand-off at his residence.

Mr. Silverstein also explained that credibility issues have also been raised regarding other officers' written reports of the incident. He described how the case has significant conflicting testimony and evidence, as well as Mr. Coviello's allegations of edits to E-911 tapes relating to the incident, that make it difficult to predict an outcome. As a civil case, it requires only a preponderance of doubt for the plaintiff to win, as opposed to a criminal case which would require the standard of "beyond a reasonable doubt". A settlement offer was made last Monday which was turned down by the plaintiff. Mr. Cohen spoke with the Judge last Monday to understand the issues in the case. It was

mediated today by a federal judge. The decision is whether to go to trial or offer a different settlement.

Mr. Silverstein explained any settlement would be paid by the Town's insurer. He recommended settlement based upon the judge's history with adjudicating similar cases and the evidence presented by each side. The Board asked questions and discussed the possible outcomes for the Town. The Board asked Chief Murphy his opinion, and Chief Murphy agreed that a settlement would limit the Town's exposure, but stated his opinion that the officers involved in this incident had acted appropriately.

Motion: Selectman Dalton made a motion to settle the case for \$100,000, including a request for nondisclosure of terms of settlement, with no admission of liability by the Town. Selectman Jeannotte seconded the motion. Roll call vote:

Chase - Aye
Jeannotte - Aye
Wojtas - Aye
Dalton - Aye

Motion: Selectman Dalton made a motion to adjourn executive session at 5:10 pm. Selectman Jeannotte seconded the motion. Roll call vote:

Chase - Aye
Jeannotte - Aye
Wojtas - Aye
Dalton - Aye

Respectfully submitted,

Clare Jeannotte, Clerk

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES –Executive Session
Monday, January 7, 2008
50 Billerica Rd, Chelmsford

Attending:

Samuel Chase, Selectman Chairman
Philip M. Eliopoulos, Selectman Vice Chair

Paul Cohen, Town Manager
David Hedison, Housing Authority

Clare Jeannotte, Selectman Clerk
Patricia Wojtas, Selectman
William F. Dalton, Selectman

9:50pm

130 Turnpike Road:

Mr. Cohen commented on the litigation with 130 Turnpike Road. Mr. Hedison gave a brief history on the property. Mr. Hedison explained that the regulatory agreement noted actual cost of the property. Mr. Hedison explained that the last transaction for the land was \$175,000 in 1992. Mr. Hedison was asking the Board if he should go ahead with litigation or use a mediator to figure out the value of the property. There is a risk if the Town goes to trial. Other interested parties are worried that this case would set a precedent on regulatory agreements and actual costs.

Motion: Selectman Eliopoulos made a motion to approve \$250,000 that the Town enter into mediation with property on 130 Turnpike Road. Selectman Jeannotte seconded the motion.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Center Water District:

Mr. Cohen updated the Board on the law suit concerning the DPW and the water wells. Selectman Eliopoulos suggested reaching out to the Ad Hoc committee that made the original recommendations to the Board.

Motion: Selectman Dalton made a motion to adjourn Executive Session at **9:45pm**. Selectman Jeannotte seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Respectfully submitted,

Patrice Garvin



**CHELMSFORD BOARD OF SELECTMEN
WORK SESSION AGENDA
January 23, 2008**

**Town Offices
50 Billerica Rd.**

5:30 p.m. Call to Order

5:30 p.m. Executive Session
John Giorgio – Legal Update
Robin Hill Road Purchases – Leases

6:00 p.m. Open Session

**Fiscal Year 2009 Budget
DEP Grant – Pay As You Throw, Planning and Evaluation
Board of Selectmen / Town Manager Goals
Stipends for Elected Officials
Fire/DPW Feasibility Study**

Next Regular Meeting: January 28, 2008

B.O.S. Meeting Agenda
January 23, 2008
Page 2

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES –Executive Session
Monday, January 23, 2008
50 Billerica Rd, Chelmsford

Attending:

Samuel Chase, Selectman Chairman
Philip M. Eliopoulos, Selectman Vice Chair
Clare Jeannotte, Selectman Clerk
Patricia Wojtas, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager
John Giorgio, Town Counsel

Motion: Selectman Eliopoulos made a motion to enter Executive Session for the purpose of litigation and real property. Selectman Chase seconded the motion. Motion carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Chairman Chase called Executive Session to order at 5:30pm. Mr. Giorgio was present to update the Board on pending litigation and provided written information relative to open cases. The more significant ones were reviewed.

North Chelmsford Water District:

Mr. Giorgio gave an update and stated this is a zoning enforcement case. The facility was operating under a special permit up to the time that Town Meeting changed the zoning that made the DPW a conforming operation. Proceeding on a complaint from the NCW District, the Building Inspector found the DPW's operations in conformance with the current zoning, and the ZBA upheld that ruling. This was appealed and a hearing was held in Superior Court in December. Both parties made arguments. We are awaiting a decision.

Princeton Properties:

Mr. Giorgio stated that the party involved claimed an unconstitutional excessive fee for sewer connection and that the argument needed to be litigated. Mr. Giorgio stated that there are two issues with the case: 1. The original sewer betterment fee and 2. Capacity Impact fees. The total fee in dispute is \$600,000. Mr. Giorgio stated that the case has potential implications on the Town fee structure.

Brem and Lockhead:

Mr. Giorgio noted that this case has been closed.

Weeks vs. Planning Board:

Mr. Giorgio stated that this case has been resolved.

Katrina Property:

Mr. Giorgio stated that as long as the Town followed the directive of the DEP there was no liability.

Meadowbrook:

Mr. Giorgio was looking for authorization from the Board for next steps.

Motion: Selectman Eliopoulos made a motion to send the property owner a final letter to settle up and pay by June 1, 2008 and to comply with all court orders. Selectman Jeannotte seconded the motion. Motion carried

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Pending real property acquisition using the Community Preservation Fund:

Mr. Cohen requested direction from the Board on how to proceed with the leases on the Acton Rd. property. Mr. Giorgio suggested engaging the seller to discuss the terms of the leases prior to finalizing a purchase and sale agreement.

Motion: Selectman Dalton made a motion to adjourn Executive Session at 6:06pm, to enter the work session. Selectman Jeannotte seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Eliopoulos	Aye
Selectman Dalton	Aye
Chairman Chase	Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES-Executive Session
Monday, April 14, 2008
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chair
Clare Jeannotte, Vice Chair
Patricia Wojtas, Selectman Clerk
Eric Dahlberg, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager
Jeannie Parziale, HR

5:45pm

Executive Session was called to order: *Roll Call- Selectman Dalton, Aye; Selectman Jeannotte-Aye; Selectman Wojtas-Aye; Selectman Dahlberg- Aye; Chair Eliopoulos-Aye*

GIC Negotiation:

Mr. Cohen reported that for the Town to enroll in the state's GIC health insurance program, unions representing 70% of the employees need to agree. Mr. Cohen briefly reviewed the state plan. Ms. Parziale explained what the Town currently offers for Health Insurance and that the prescriptions part of the state plan would have the biggest impact. Mr. Cohen noted that the retirees under the state plan would have to be the same percentage. Selectman Dalton briefly explained the split between active and non-active employees in Town. Selectman Jeannotte suggested speaking with Town Counsel on options the Town has.

Motion: Selectman Dalton made a motion to adjourn the Executive Session at **6:30pm**. Selectman Jeannotte seconded the motion. Motion unanimously carried. *Roll Call- Selectman Dalton, Aye; Selectman Jeannotte-Aye; Selectman Wojtas-Aye; Selectman Dahlberg- Aye; Chair Eliopoulos-Aye*

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Thursday, May 1, 2008
Senior Center
75 North Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Selectman Chair
Clare Jeannotte, Selectman Vice Chair
Patricia Wojtas, Selectman Clerk
William F. Dalton, Selectman
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager
John Giorgio, Town Counsel

6:55pm

Chairman Eliopoulos called the meeting to order.

Litigation:

Mr. Giorgio reviewed the list of pending cases in which the Town is involved.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at 7:25pm. Selectman Wojtas seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Dahlberg	Aye
Selectman Dalton	Aye
Chair Eliopoulos	Aye

Respectfully submitted,

Pat Wojtas, Selectman Clerk

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Wednesday, May 14, 2008
Town Offices
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Selectman Chairman
Clare Jeannotte, Selectman Vice Chairman
Patricia Wojtas, Selectman Clerk
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager

8:45pm

Chairman Eliopoulos called the meeting to order for the purpose of litigation status.

Litigation:

Chairman Eliopoulos reported to the Board that he had been contacted by Greg Haladyna, representing the Chelmsford Mobile Home Park. Mr. Haladyna wants to come before the Board to ask that the Assessor's denial of his client's abatement be overturned. The discussion by Board members reflected the opinion that such action was not appropriate given that the matter was headed for litigation, and should be held off until the Appellate Tax Board has made a ruling.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at 9:10pm. Selectman Wojtas seconded the motion. Motion unanimously carried.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Dahlberg	Aye
Chairman Eliopoulos	Aye

Respectfully submitted,

Pat Wojtas, Selectman Clerk

**TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Monday, June 2, 2008
50 Billerica Rd, Chelmsford**

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chairman
Patricia Wojtas, Selectman Clerk
Eric Dahlberg, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

Chairman Eliopoulos called the meeting to order.

1. Pond Street:

Mr. Cohen stated that Mr. George Barnes wanted to donate a portion of the parcel on Pond St., including the beach area, to the Town. He would use the remainder of the parcel to construct an ice cream stand, with necessary parking, which would also be available for Town use. Chairman Eliopoulos suggested further research of the ramifications of this option before taking any action.

2. Chairman Eliopoulos reported that Lupien Apple Orchard may be willing to sell their land to the Town.
3. *Kominski:* Mr. Cohen updated the Board on this litigation.
4. *National Grid:* Mr. Cohen presented the Board with its options. Mr. Cohen would check all three options with Town Counsel.
5. *Princeton Properties:* Chairman Eliopoulos stated that it would in the best interest of the Town to settle but not to respond to any offer yet.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at **10:35p.m.** Selectman Wojtas seconded the motion.

Roll Call Vote:

Selectman Dalton - aye;
Selectman Wojtas - aye;
Selectman Jeannotte - aye;
Selectman Dahlberg - aye;
Chairman Eliopoulos - aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Thursday, June 12, 2008
Senior Center
75 Groton Rd, N. Chelmsford

Attending:

Philip M. Eliopoulos, Selectman Chairman
Clare Jeannotte, Selectman Vice Chair
Patricia Wojtas, Selectman Clerk
William Dalton, Selectman
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager
John Giorgio, Town Counsel
John Sousa, Town Treasurer

6:50pm

Chairman Eliopoulos called the Executive Session to order.

Princeton Properties:

Mr. Giorgio reported that representatives from Princeton Properties indicated they wanted to settle the on-going litigation with the Town, and offered \$250,000. Mr. Giorgio noted that the defendants continue to question the constitutionality of the fees that are being assessed on their property and that there is some risk that the court will agree with their arguments. He suggested that the Town counter their settlement offer. The total amount in dispute is approximately \$560,000. It was agreed that Mr. Giorgio should inform the defendants that the Town will settle for \$450,000.

National Grid:

Mr. Giorgio reported that representatives from National Grid have refused the Town's request to suspend its surcharge that would fund construction for underground utilities. They claim that a bylaw change, which requires Town Meeting action, is required for any change to the surcharge. Mr. Giorgio suggested that a Special Act of the Legislature may provide the necessary authority for the Board of Selectmen to order suspension of the surcharge, without requiring Town Meeting action.

Mr. Giorgio also reported that National Grid has refused to account for any interest earned from the surcharge, noting that there is no accounting requirement in the relevant statute. Mr. Giorgio suggested that any action taken by the Board should address the interest issue in conjunction with the suspension authority.

Mr. Cohen said that he would contact members of the Legislative delegation to discuss filing a Special Act.

Selectman Jeannotte noted that any proposed changes to the bylaw should include clarifying reporting requirements.

Aggregate Industries:

Chairman Eliopoulos asked Mr. Giorgio to review the options that the Board may have regarding granting or denying the petitioner's request for additional fuel storage. He noted that public safety and traffic concerns have been raised. Mr. Giorgio stated that those issues are legitimate reasons for denial, but also noted that Aggregate could appeal a denial that is not based on impacts that have been, or can be, proven. He also noted that the Zoning Board of Appeals may have more latitude when rendering a decision, but that both Boards have broad discretion when placing conditions on approvals.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn at 7:30pm. Selectman Wojtas seconded the motion. Motion unanimously carried.

Selectman Dalton: Aye

Selectman Dahlberg: Aye

Selectman Wojtas: Aye

Selectman Jeannotte: Aye

Chairman Eliopoulos: Aye

Respectfully submitted,

Pat Wojtas, Selectman Clerk

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Monday, June 16, 2008
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chairman
Patricia Wojtas, Selectman Clerk
Eric Dahlberg, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

Also Attending: Assessor Frank Reen and Assessor Kevin Sullivan

Chairman Eliopoulos called the meeting to order at 6:30 p.m.

Motion: Selectman Jeannotte made a motion to enter into Executive Session for the purpose of discussing litigation. Selectman Wojtas seconded the motion. Roll Call Vote:

Selectman Dalton-Aye
Selectman Wojtas-Aye
Selectman Jeannotte-Aye
Selectman Dahlberg-Aye;
Chairman Eliopoulos-Aye

Mr. Reen stated that he has not met with the owner of the mobile home park since the last public session concerning the assessment. Mr. Reen welcomed input from the Board. Selectman Jeannotte stated that her concerns were the cost of the suit and the precedent set by assessing the mobile home park. Mr. Reen explained the assessment process used on the park and noted that the numbers were very conservative. Mr. Reen discussed the issues that come with litigation and how past sales were used to determine an average assessment.

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at 6:54 p.m. and convene into the Board's regular open session. Selectman Wojtas seconded the motion. Roll Call Vote:

Selectman Dalton-Aye
Selectman Wojtas-Aye
Selectman Jeannotte-Aye
Selectman Dahlberg-Aye;
Chairman Eliopoulos-Aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES- EXECUTIVE SESSION
Monday, June 30, 2008
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chair
Patricia Wojtas, Selectman Clerk
Eric Dahlberg, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

10:30pm

Chairman Eliopoulos called the meeting to order. Chairman Eliopoulos stated that there was a non-union employee looking to get a step and COLA increase, in-line with all of the other employees who are in the union. Discussion ensued pertaining to the job title, the employee's performance, the employee's current rate of pay and the proposed salary increase.

Motion: Selectman Jeannotte made a motion to accept the Town Accountant's evaluation as written, that would be signed by the Chairman and Vice Chairman of the Board and presented to Darlene Lussier with a schedule pay increase consistent with other non-union personnel; Step 3 Level 8 --\$72,583; understanding that the Board of Selectmen may not be in the same position to offer this in the future. Selectman Wojtas seconded the motion. .

Roll Call-

Selectman Wojtas-aye
Selectman Dalton-aye
Selectman Dahlberg-aye
Selectman Jeannotte- aye
Chairman Eliopoulos-aye

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at **10:54pm**. Selectman Wojtas seconded the motion.

Roll Call-

Selectman Wojtas-aye
Selectman Dalton-aye
Selectman Dahlberg-aye
Selectman Jeannotte- aye
Chairman Eliopoulos-aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Monday, July 21, 2008
Town Offices
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Selectman Chairman
Clare Jeannotte, Selectman Vice Chairman
Patricia Wojtas, Selectman Clerk
William Dalton, Selectman
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager

8:20pm

Chairman Eliopoulos called the meeting to order.

Litigation:

Mr. Cohen advised the Board on notice received for a hearing related to retiree health insurance contributions. Three retiree groups (School Teachers, School Administrators, and AFSCME, representing the Town clerical employees) have filed a claim of unfair labor practice for requiring retirees to pay 40% of their health insurance premiums, while active employees pay only 25%, based upon a memorandum from July 2004. Counsel will need to respond within 15 days. Chairman Eliopoulos asked Mr. Cohen to schedule Town Counsel to attend the next Board work session, to provide a further explanation of the litigation, and its ramifications.

Real Property:

Mr. Cohen updated the Board on possible uses for 61A property at 66 Graniteville Road. It was decided to conduct a site walk of the property in early August before taking any further action.

Negotiation with non-union personnel:

The Board discussed Mr. Cohen's compensation. He is requesting an increase in his annual salary to \$135,000, and an increase in his vehicle allowance to \$600 monthly. The request is based on a percentage consistent with other non-union personnel. No other provisions of the current contract, which expires June 30, 2010, would change. Mr. Cohen had also provided the Board with survey information of other Town Managers' compensation. It was noted that automobile expenses have risen significantly in the past two years.

After discussion, Mr. Cohen agreed to a compromise salary adjustment and automobile allowance.

Motion: Selectman Jeannotte made a motion to increase the Town Manager's annual salary to \$135,900, and increase his monthly automobile allowance to \$500, effective July 1, 2008. Selectman Wojtas seconded the motion.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Dalton	Aye
Selectman Dahlberg	Aye
Chairman Eliopoulos	Aye

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn Executive Session at 9:30pm. Selectman Wojtas seconded the motion.

Selectman Wojtas	Aye
Selectman Jeannotte	Aye
Selectman Dalton	Aye
Selectman Dahlberg	Aye
Chairman Eliopoulos	Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectmen

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES-Executive Session
Monday, August 14, 2008
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chair
Patricia Wojtas, Selectman Clerk
Eric Dahlberg, Selectman
William F. Dalton, Selectman

Paul Cohen, Town Manager

Also Attending: Brian Maser, Kopelman & Paige; Jeffrey Blake, Kopelman & Paige

Chairman Eliopoulos called the meeting to order at 5:30PM.

Motion: Selectman Jeannotte made a motion to enter into Executive Session for the purpose of discussing litigation and collective bargaining; Selectman Wojtas seconded the motion. Roll Call Vote:

Selectman Wojtas-aye
Selectman Dalton-aye
Selectman Jeannotte-aye
Selectman Dahlberg-aye
Chairman Eliopoulos- aye

Retiree Health Insurance Contribution Rates:

Comment [c1]: Active Litigation

Town Acceptance Section 18:

Mr. Maser stated the history at Town meeting regarding Section 18. Mr. Maser stated that no one spoke on behalf of the union at Town Meeting when it was adopted. Two unions claim there was no notification of the Town Meeting warrant article addressing

Section 18. Mr. Maser stated that the notice did not have to be in writing, and that the union representatives were notified verbally at an earlier meeting.

GIC:

Mr. Cohen gave an update on Collective Bargaining and that there has been little progress. At the last meeting with the Public Employees Coalition, he proposed that the town/employee split for premiums be set at 75/25. The PEC countered with a proposal that the Town pay 80% of premiums. Mr. Cohen explained that both the Town and the employees gain savings under GIC. Total savings would be approximately \$1.5 million. If the Town joined GIC then the Town would need to adopt Section 18 and the Section 18 complaint would no longer be a factor. Mr. Cohen reiterated that the Town could save considerable money by joining the GIC. Mr. Maser noted that through bargaining with the unions, GIC could later be withdrawn and the Town would return to conditions prior to GIC being adopted. Mr. Cohen noted the perceived risk for employees under the GIC plan. Selectmen Dalton noted the slower increase in rates over the years under the GIC. Selectman Jeannotte noted that all of the savings should not go to the employees but be shared with the town. Selectman Jeannotte added that if the GIC does not pass this year it should be reintroduced the following year. Mr. Maser noted that in the agreement the number of years on the GIC could be bargained. Mr. Cohen also suggested a percentage change over the years for employee contributions.

Orchard Woods: Jeffrey Blake and David Hedison:

Mr. Hedison stated that there has been no guidance of land value for 40B projects until the permitting guidelines came out from the state just recently. Mr. Blake noted that there has been no case for market value 40 B settlements in Massachusetts. Mr. Blake stated that mediation was asked for to try and figure out a settlement. Mr. Blake feels that the contract with the Town controls the amount that is settled.

Mr. Hedison noted the issues with the tax return of the developer and the listing of Orchard Woods as his primary residence. Mr. Blake stated that the regulatory agreement does not include the carrying-costs, which are being requested by the developer. Mr. Hedison was hoping to get a settlement that covered the legal costs of the case. Mr. Blake's opinion is that the best the Town could get in settlement was \$126,000.

Motion: Selectman Jeannotte made a motion to authorize the Town Manager to enter into settlement regarding Orchard Woods mediation case and that the settlement not be below \$150,000 unless authorized by the Chairman of the Board of Selectmen. If the offer is lower than \$150,000 a call must be made to the Chairman. Selectman Wojtas seconded the motion.

Roll Call Vote:

Selectman Wojtas-aye

Selectman Dalton-aye

Selectman Jeannotte-aye

Selectman Dahlberg-aye

Chairman Eliopoulos- aye

Princeton Ridge:

Mr. Hedison gave a history of the project. Mr. Hedison noted that bills were paid outside the scope of the project. Mr. Hedison stated that there was \$187,464 in excess profits. Mr. Blake stated that the LLC was used as a personal account. Mr. Blake stated that a complaint should be made and the Town should go after the personal assets. The Board authorized counsel to proceed.

114 Meadowbrook:

Mr. Cohen gave a brief history of the property and the continued ignoring of orders from the Town to clean it up by the owners. Mr. Blake noted that the owners have requested a 30 day reprieve to pay all expenses. Selectman Dalton stated that this has been done in the past and owners ignored cleaning up the site. The owners have applied for a reverse mortgage in the amount of \$217,000, and have agreed to pay all past due amounts, as well as legal fees.

Motion: Selectman Jeannotte made a motion to postpone the sheriff's sale for 30 days on the condition that the amount owed to the town of \$40,000 is paid.

Selectman Wojtas seconded the motion.

Roll Call Vote:

Selectman Wojtas-aye

Selectman Dalton-aye

Selectman Jeannotte-aye

Selectman Dahlberg-aye

Chairman Eliopoulos- aye

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn Executive Session, and resume the regular meeting, at 8:35pm. Selectman Wojtas seconded the motion.

Roll Call Vote:

Selectman Wojtas-aye

Selectman Dalton-aye

Selectman Jeannotte-aye

Selectman Dahlberg-aye

Chairman Eliopoulos- aye

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Monday September 8, 2008
Town Offices
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Selectman Chair
Patricia Wojtas, Selectman Clerk
William Dalton, Selectman
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager

GIC:

Mr. Cohen reported that he presented the offer previously recommended by the Board of Selectmen to the Public Employees Coalition (PEC), representing unionized personnel. The PEC refused the offer, and declined to present a counter-offer. They suggested a six-month suspension of negotiations. Mr. Cohen explained that under a suspension, neither side in the negotiations is permitted to speak publicly about the negotiations. If the negotiations are terminated, there is no such restriction.

Motion: Selectman Wojtas made a motion to terminate negotiations with the PEC regarding implementing GIC for Fiscal year 2010. Selectman Dalton seconded the motion. Motion carried, 4-0:

Selectman Dalton: Aye
Selectman Dahlberg: Aye
Selectman Wojtas: Aye
Chairman Eliopoulos: Aye

Police Details:

Mr. Cohen reported that he has received a letter from the Police Patrolmen's union asking to discuss recent initiatives at the State level aimed at reducing the number of police details at construction sites, and replacing them with flaggers.

66 Graniteville Road:

Mr. Cohen reported that Town Counsel Pat Cantor has spoken with Joe Shanahan about the property at 66 Graniteville Road, regarding the ability to subdivide the lot. Ms. Cantor believes it is not allowed under the cluster subdivision approved by the Planning Board. Evan Belansky and Jim Pearson have reviewed documentation related to the subdivision, and have reached the same conclusion.

Adjournment:

Motion: Selectman Wojtas made a motion to adjourn at 8:45pm. Selectman Dalton seconded the motion. Motion carried, 4-0:

Selectman Dalton: Aye

Selectman Dahlberg: Aye

Selectman Wojtas: Aye

Chairman Eliopoulos: Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectman

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Monday, November 10, 2008
Town Offices
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chairman
Patricia Wojtas, Selectman Clerk
William Dalton, Selectman
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager

TLT Construction Settlement

Pat Maloney, Chairman of the School Building Committee, reviewed the dispute between the Town of Chelmsford and TLT Construction regarding HVAC contracting work for the school projects. A negotiated settlement has been reached which meets the requirements of both parties. The Town of Chelmsford shall remit the negotiated amount to TLT, and shall not be responsible for further claims against TLT.

Motion: Selectman Jeannotte made a motion to accept the settlement with TLT Construction Corp. as defined in the agreement presented for approval. Selectman Wojtas seconded the motion. Motion carried, 5-0:

Selectman Dalton: Aye
Selectman Jeannotte: Aye
Selectman Dahlberg: Aye
Selectman Wojtas: Aye
Chairman Eliopoulos: Aye

MIIA Coverage for Mobile Home Park Appeal

Mr. Cohen reported that he has received a letter from MIIA that states the Insurance Association will not provide defense or indemnity to the Town of Chelmsford in the matter of the Mobile Home Park owner's appeal to the Appellate Tax Board.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn at 10:40pm. Selectman Wojtas seconded the motion. Motion carried, 5-0:

Selectman Dalton: Aye
Selectman Jeannotte: Aye
Selectman Dahlberg: Aye

Selectman Wojtas: Aye
Chairman Eliopoulos: Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectman

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – Executive Session
Tuesday, February 17, 2009
Town Offices
50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman
Clare Jeannotte, Vice Chairman
Patricia Wojtas, Selectman Clerk
Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager
John Giorgio, Town Counsel

Absent:

William Dalton, Selectman

Litigation Update:

Mr. Giorgio updated the Board on outstanding litigation issues, and reviewed those cases that have recently closed or otherwise been settled.

Collective Bargaining:

Mr. Cohen distributed a copy of a letter from legal counsel for the Firefighters Union. It stated that the union membership is willing to forego any increase in wages for Fiscal Year 2010. Mr. Cohen suggested further discussion of the offer in Executive Session after the next regular Board meeting.

Adjournment:

Motion: Selectman Wojtas made a motion to adjourn at 6:55pm. Selectman Dahlberg seconded the motion. Roll call vote:

Selectman Dahlberg: Aye
Selectman Wojtas: Aye
Chairman Eliopoulos: Aye
Selectman Jeannotte: Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectmen

TOWN OF CHELMSFORD

BOARD OF SELECTMEN MINUTES – Executive Session

Monday, February 23, 2009

Town Offices

50 Billerica Rd, Chelmsford

Attending:

Philip M. Eliopoulos, Chairman

Paul Cohen, Town Manager

Clare Jeannotte, Vice Chairman

Patricia Wojtas, Selectman Clerk

William Dalton, Selectman

Eric R. Dahlberg, Selectman

Collective Bargaining:

Mr. Cohen reported that all municipal unions have agreed to forego any increase in wage and salary structures for Fiscal Year 2010. He recommended that the Board accept this offer. He also noted that, despite State law that requires the Town Manager to be part of school department contract negotiations, he has had minimal contact from the Superintendent regarding upcoming meetings with union officials.

Motion: Selectman Dalton made a motion to accept the offer from the unions of zero wage adjustments for Fiscal Year 2010, and to direct the Town Manager to work with the Superintendent of Schools to move union negotiations to resolution. Selectman Wojtas seconded the motion. Roll call vote:

Selectman Dahlberg: Aye

Selectman Wojtas: Aye

Chairman Eliopoulos: Aye

Selectman Jeannotte: Aye

Selectman Dalton: Aye

Adjournment:

Motion: Selectman Wojtas made a motion to adjourn at 9:40pm. Selectman Jeannotte seconded the motion. Roll call vote:

Selectman Dahlberg: Aye

Selectman Wojtas: Aye

Chairman Eliopoulos: No

Selectman Jeannotte: Aye

Selectman Dalton: Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectmen

Approved 3/23/09

HOLD *ok to decrease*
done

TOWN OF CHELMSFORD

BOARD OF SELECTMEN MINUTES – Executive Session

Monday, March 9, 2009

Chelmsford Senior Center

75 Groton Rd, North Chelmsford

Attending:

Philip M. Eliopoulos, Chairman

Clare Jeannotte, Vice Chairman

Patricia Wojtas, Selectman Clerk

William Dalton, Selectman

Eric R. Dahlberg, Selectman

Paul Cohen, Town Manager

John Giorgio, Town Counsel

Orchard Woods:

Mr. Giorgio updated the Board on the progress of litigation against the owners of the Orchard Woods 40B, in regards to excess profits. Mr. Cohen reported that David Hedison, Executive Director of the Chelmsford Housing Authority, has recommended acceptance of a settlement in the range of \$100,000 to \$115,000. The Board concurred.

Insurance Update:

Mr. Cohen reported that the unions have indicated they are not agreeable any changes from the current Insurance plan.

Adjournment:

Motion: Selectman Jeannotte made a motion to adjourn at 7:30pm. Selectman Wojtas seconded the motion. Roll call vote:

Selectman Dalton: Aye

Selectman Dahlberg: Aye

Selectman Wojtas: Aye

Chairman Eliopoulos: Aye

Selectman Jeannotte: Aye

Respectfully submitted,

Pat Wojtas, Clerk of the Board of Selectmen

Town of Chelmsford
Board of Selectmen Minutes
Senior Center
75 Groton Road
N. Chelmsford, MA 01863

EXECUTIVE SESSION MINUTES

April 30, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Selectman

Paul Cohen, Town Manager
John Giorgio, Town Counsel

Chairman Jeannotte called the meeting to order at 7:00 p.m.

Update on Pending Litigation by Town Counsel

Town Counsel John Giorgio provided the Board with a summary of pending legal cases involving the Town. He distributed a hard-copy list of all cases and made brief remarks for a few cases of note.

Motion: Selectman Wojtas made a motion to adjourn the Executive Session. Selectman Dahlberg seconded the motion. Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Executive Session adjourned at 7:20 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

EXECUTIVE SESSION MINUTES
June 15, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte called the meeting to order at 10:55 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purpose of discussing contract negotiations for non-union personnel. She said the uncertainty of the FY 2010 budget situation raises the question of whether the Board should take a hard look at freezing step increases for non-union employees.

Mr. Cohen stated that he does not believe a vote on this matter by the Board is wise because non-union employees should not be penalized for receiving the same increase that union employees will receive. Such a move would damage morale and would incentivize non-union employees to join and/or form unions.

Mr. Cohen stated further that individual employees have come to him and expressed a willingness to give up step increases.

Selectman Dahlberg stated that he understands Mr. Cohen's perspective, but that the Board should do everything in its power to hold the line on spending. The unions have no credibility in the eyes of the taxpayers.

Mr. Cohen stated that it will be 3-4 days until he has a better understanding of the budget situation (pending action at the state level). He commits that he won't sign any raises between today's meeting and Friday, June 19th.

Chairman Jeannotte stated that she appreciated Mr. Cohen's statement and requested that he provide the Board with an estimated dollar amount savings should steps for non-union employees be frozen. Mr. Cohen agreed to provide such an estimate at a future meeting.

Selectman Scanlon stated that a pay-for-performance model of employee compensation may be something worth considering. Such a model rewards employees that perform well and can save money in the long-run.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion. Roll Call:

Selectman Wojtas: AYE.
Chairman Jeannotte: AYE.
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Executive Session adjourned at 11:35 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

EXECUTIVE SESSION MINUTES
Monday, June 29, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte called the meeting to order at 10:45 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purpose of discussing contract negotiations for non-union personnel, specifically with regard to the cost of step increases for this category of town employees.

Mr. Cohen stated that the total cost of step increases for non-union personnel for fiscal year 2010 will be \$87,000. Selectman Dahlberg asked if this number is a matter of public record. Mr. Cohen replied that it is.

Mr. Cohen then provided the Board with an update on the matter of the state's reduction in funding for the Police Career Incentive Program, also known as the "Quinn Bill" for fiscal year 2010. He stated that total Quinn Bill funding for the town is \$400,000, with \$200,000 coming from the town. State funding for FY 2010 has been reduced to approximately \$38,000. He stated that the town is not obliged to make up for the state's funding reduction and that he has been in contact with the police unions about this matter.

Mr. Cohen also briefly discussed plans for fiscal year 2010 budget adjustments and stated that he would consider employee furloughs if necessary to balance the budget.

Chairman Jeannotte stated that the time is approaching for Mr. Cohen's contract to be reviewed and amended as needed. The Board will address this matter at a future meeting.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion. Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Executive Session adjourned at 11:15 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

EXECUTIVE SESSION MINUTES
Monday, July 13, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte called the meeting to order at 10:15 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purpose of discussing three topics:

- (1.) a step increase for the Town Accountant, Darlene Lussier;
- (2.) an update from the Town Manager on the Police Career Incentive Program (also known as the "Quinn Bill"); and
- (3.) the Town Manager's next contract period.

The matter of a step increase for the Town Accountant for fiscal year 2010 was discussed. Mr. Cohen stated that he believes it would be unfair to treat a non-union employee any differently from a union employee. Selectman Dahlberg stated that he would vote no on the matter because he does not believe a step increase for any employee is appropriate at this time.

Motion by Selectman Wojtas to approve a step increase for the Town Accountant for fiscal year 2010, to Level 8/Step 4. Seconded by Selectman Scanlon.

Roll Call:

Chairman Jeannotte: AYE
Selectman Wojtas: AYE
Selectman Dahlberg: NAY
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, 4-1.

Mr. Cohen then provided the Board with an update on the matter of the state's reduction in funding for the Police Career Incentive Program, also known as the "Quinn Bill" for fiscal year 2010. He reiterated what he had stated at the 6/29/09 Executive Session meeting of the Board: the town is not obliged to make up for the state's funding reduction. He has been in contact with the police unions about this matter.

The Board then discussed the matter of the Town Manager's next contract period. Mr. Cohen stated that he is not requesting any increase in compensation for fiscal year 2010.

Motion by Selectman Wojtas to accept the Town Manager's offer to maintain his current rate of compensation for Fiscal Year 2010. Seconded by Selectman Dahlberg.

Roll Call:

Chairman Jeannotte: AYE
Selectman Wojtas: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Motion by Selectman Wojtas to extend the Town Manager's current contract to June 30, 2012. Seconded by Selectman Dahlberg. Motion carries, unanimous.

Roll Call:

Chairman Jeannotte: AYE
Selectman Wojtas: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 11:00 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 201
Chelmsford, MA 01824

EXECUTIVE SESSION MINUTES
Monday, August 24, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Not attending:

Sean Scanlon, Selectman

Chairman Jeannotte called the meeting to order at 9:45 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purpose of discussing two matters related to the value of real property:

- (1.) appraisal reports on the proposed site of a new DPW facility on Alpha Road, and
- (2.) an explanation of the purchase of property located behind the current Center fire station.

Concerning the first matter, Mr. Cohen provided a verbal status report on the appraisal of the proposed site of a new DPW facility on Alpha Road. He stated that there is some question regarding the need for a zoning change for the site. He doesn't believe a change is necessary, but it's not a supremely urgent matter, because the timeline for such a change would depend upon the outcome of the October 6th special election. He also stated that a Purchase and Sale agreement would be contingent upon approval by the voters on October 6th. He stated that he would consult with legal counsel John Georgio, who has expertise specifically in procurement issues, on the matter.

Concerning the second matter, Mr. Cohen stated that questions had arisen in the community regarding the purchase of property behind the current Center fire station by former Selectman Philip Eliopoulos. Mr. Cohen stated that he was not aware of any improprieties by anyone involved. The Town was never approached by Eastern Bank, the previous owner of the property, to see if the Town was interested in making a purchase. Mr. Cohen stated that he had been contacted by the local media concerning this issue and that he had stated to them that "there is nothing there."

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE

Selectman Dahlberg: AYE
Selectman Dixon: AYE

Motion carries, unanimous. Executive Session adjourned at 10:30 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 201
Chelmsford, MA 01824

Approved 11/9/09 Released 3/11/11

EXECUTIVE SESSION MINUTES
Monday, September 14, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
George Dixon, Jr, Selectman
Sean Scanlon, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte called the meeting to order at 10:15 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purposes of discussing the value of real property, the status of litigation, and contract negotiations.

Mr. Cohen explained that the matter related to the value of real property is the court case between the Town and Orchard Woods LLC, which began earlier that day and involves a charge of excess profits on a 40B development. Mr. Cohen stated that the developer has offered to the town four parcels of land instead of money. Mr. Cohen showed the parcels on a map. The Board and Mr. Cohen discussed the offer and reached consensus that the four parcels of land are not desirable.

Motion by Selectman Wojtas to not accept the developer's offer of four parcels of land instead of money. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Concerning the value of real property, Mr. Cohen discussed three matters. He stated that the state Office of the Inspector General has made several requests for information concerning Robert Morse's purchase of the Red Wing farm site. He also stated that an appraisal of the proposed site of a new DPW facility on Alpha Road had been completed and that the site has been appraised at a value of \$3.4 million, not the \$4 million that was initially estimated. He also stated that Chelmsford Telemedia had approached him to express interest in occupying the site of the current Center fire station, should that building become vacant pending the outcome of the townwide special election on a new Fire Department facility on October 6th.

Chairman Jeannotte stated that she wanted to ensure that the Town Manager and the Board members are prepared for the planned joint meeting of the Board, the Finance Committee and the School Committee on September 21st, the purpose of which will be to provide information to the community concerning the town's ongoing effort to move to a less expensive health insurance plan for employees. Mr. Cohen stated that planning for the meeting is on track. Selectman Wojtas stated that an invitation to the meeting should be extended to Chelmsford's legislative delegation. Selectman Dahlberg stated that he agreed with this idea.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE

Chairman Jeannotte: AYE

Selectman Dahlberg: AYE

Selectman Dixon: AYE

Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 11:00 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 201
Chelmsford, MA 01824

EXECUTIVE SESSION MINUTES
Monday, September 28, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
George Dixon, Jr, Selectman
Sean Scanlon, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte called the meeting to order at 10:30 PM.

Chairman Jeannotte stated that she requested this Executive Session for the purpose of discussing negotiating strategy with respect to collective bargaining.

Mr. Cohen provided the Board with an overview of potential alternative health insurance plans for town employees. He distributed a number of hard copy documents to assist with his overview. He provided a summary of the recent history of negotiations with town unions on this matter and discussed options for next steps.

Mr. Cohen then provided the Board with a verbal status report on town funding for Quinn Bill costs. He stated that it is the opinion of town counsel that the town is obligated to pay the full Quinn Bill reimbursement for non-union employees of the police department, which includes the chief, the deputy chief, and the lieutenants.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 11:00 PM.

Respectfully submitted,

Eric R. Dahlberg
Clerk

**Executive Session (1 of 2) MINUTES
October 5, 2009**

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Also in attendance: Jeff Blake and John Giorgio, both attorneys from Kopelman and Paige.

Chairman Jeannotte called the meeting to order at 6:00 PM.

Motion: by Selectman Wojtas to enter executive session for the purpose of discussing pending litigation. Seconded by Selectman Dahlberg.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Chairman Jeannotte stated that this executive session had been called to order for the purpose of providing the Board with an update on pending litigation.

Attorney Blake provided the Board with an overview of the Orchards Woods case, which involves a suit against a developer for excess profits under the 40B law. Attorney Blake stated there were numerous "discovery issues" involved in the case and that the judge sided with the defendant. He also stated that the defendant offered the town four parcels of land in an attempt to settle the case, but, upon further study, it was determined that the parcels are unusable. He also stated that he felt David Hedison of the Chelmsford Housing Authority had not been a good witness in the case. He recommended that the Board vote to authorize the filing of an appeal in the case.

Motion by Selectman Wojtas to authorize counsel to file an appeal in the case pending a financial update. Seconded by Selectman Dahlberg.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE

Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Attorney Giorgio then provided the Board with an update on the “AFSCME case,” a lawsuit brought against the town by union alleging unfair labor practices related to retiree health benefits. The suit was originally filed in 2006. Attorney Giorgio stated that the union’s case is based on its interpretation of a Memorandum of Understanding (MOU) with the town signed in 2003. He stated that a fairly significant amount of money – on the order of \$100,000 per year – is at risk. He stated that mediation is set to begin on November 2nd and go on for quite some time.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 6:50 PM.

Respectfully submitted,
Eric R. Dahlberg
Clerk

**Executive Session (2 of 2) MINUTES
October 5, 2009**

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte stated that this executive session had been requested for the purpose of discussing three topics: Selectman Wojtas' concerns about the Orchard Woods case (per the Executive Session held prior to the Board's regular meeting of the evening), the Town Manager's FY 2009 performance review, and the ongoing matter of alternative health insurance options for town employees.

Selectman Wojtas stated that she had discussed the Orchard Woods case with David Hedison of the Chelmsford Housing Authority and that he had raised issues concerning the performance of town counsel, specifically attorney Jeff Blake. She stated that she raised this matter only to stress that there are two sides to the account of how the case was proceeding.

Mr. Cohen stated that he was disappointed with the Board's assessment of his performance for FY 2009 – specifically on the portion of his review that provided him with a satisfactory ranking. He stated that he and the staff are going above and beyond to maintain core services during these difficult times, and he would have appreciated a better assessment than just satisfactory. Chairman Jeannotte stated that Mr. Cohen should look at the review document as a whole and not worry too much about that one piece. Selectmen Wojtas and Dahlberg agreed.

Mr. Cohen then provided the Board with an update on the ongoing matter of alternative health insurance options for town employees. He stated that the unions may be willing to pursue an agreement if the town showed flexibility on premium contributions. Selectman Dahlberg stated that the town should show no flexibility in this area. Chairman Jeannotte agreed.

Motion by Selectman Wojtas to direct the Town Manager not to offer to raise the town's contribution to employee health insurance premiums beyond what is currently in place. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE

Chairman Jeannotte: AYE

Selectman Dahlberg: AYE

Selectman Dixon: AYE

Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 11:00 PM.

Respectfully submitted,

Eric R. Dahlberg

Clerk

Executive Session MINUTES
October 26, 2009

Attending:

Clare Jeannotte, Chairman
Patricia Wojtas, Vice Chair
Eric Dahlberg, Clerk
Sean Scanlon, Selectman
George Dixon, Jr, Selectman

Paul Cohen, Town Manager

Chairman Jeannotte stated that this executive session had been requested for the purpose of discussing a matter related to pending litigation and a matter related to collective bargaining.

Mr. Cohen provided the Board with an update on the Orchard Woods case – a lawsuit filed by the town against a developer for excess profits under the 40B law. Mr. Cohen stated that the Board authorized counsel to file an appeal in the case pending a financial update at its Executive Session meeting of October 5th and that counsel has advised that, for a variety of reasons, the appeal may not be worth the effort. He stated that the town could back out of the appeal with no additional significant costs and that he's looking for official direction from the Board.

Motion by Selectman Wojtas to authorize counsel to drop its appeal on behalf of the town in the Orchard Woods case, in return for the defendant dropping their 'frivolous lawsuit' complaint against the Town. Seconded by Selectman Dahlberg.

Roll Call:

Selectman Wojtas: AYE
Chairman Jeannotte: AYE
Selectman Dahlberg: AYE
Selectman Dixon: AYE
Selectman Scanlon: AYE

Motion carries, unanimous.

Mr. Cohen then provided the Board with an update on the ongoing matter of alternative health insurance options for town employees. He summarized what transpired at a recent meeting of the town's Insurance Advisory Committee (IAC). He stated that union representatives would like the town to adopt Section 19, which effectively removes health insurance from collective bargaining negotiations. After some discussion, the members of the Board each expressed opposition to adoption of Section 19.

Motion by Selectman Wojtas to instruct Town Manager not to enter into Section 19 discussions with the Insurance Advisory Committee. Seconded by Selectman Dahlberg.

Roll Call:

Selectman Wojtas: AYE

Chairman Jeannotte: AYE

Selectman Dahlberg: AYE

Selectman Dixon: AYE

Selectman Scanlon: AYE

Motion carries, unanimous.

Motion by Selectman Wojtas to adjourn the Executive Session. Selectman Dahlberg seconded the motion.

Roll Call:

Selectman Wojtas: AYE

Chairman Jeannotte: AYE

Selectman Dahlberg: AYE

Selectman Dixon: AYE

Selectman Scanlon: AYE

Motion carries, unanimous. Executive Session adjourned at 10:30 PM.

Respectfully submitted,

Eric R. Dahlberg

Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

Approved 7/12/2010
Partial Release 3/11/2011
Active Litigation

Executive Session MINUTES
June 21, 2010

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Matt Hanson, Clerk
Sean Scanlon, Selectman
Jon Kurland, Selectman

Paul Cohen, Town Manager

Chairman Dixon called the Executive Session to order at 9:05 PM.

Regarding the Bagni litigation, the Board will wait for an insurance coverage determination. The Board agreed to allow Mr. Cohen to accept service for them.

The Board was notified that they had 20 days from July 17th to determine their next step forward. It was noted that the members of the Board have no personal liability in this case.

Mr. Cohen informed the Board that the Cemetery and Highway departments were given a 1 year contract deferral into FY11. Mr. Cohen also informed the Board that the Patrol and Superior Officer Unions have almost completed contract negotiations with the town. The Patrol Union dropped their request for Quinn Bill reimbursement. For a one year 2% increase the Patrol Officers Union agreed to a number of stipulations including an annual fitness test, physicals and blood work, eight hours of voluntary wellness per year, random drug and alcohol testing, and the HMO options plan. The Superior Officers Union agreed to similar stipulations but with a 0% increase for three years. The sergeants gave up the time-in-a-half loophole, the paid day off for fire arms proficiency, and agreed to provide detail work to the town at a decreased rate. The detailed language of these new contracts should be available in three weeks.

Mr. Cohen informed the Board that the Schools were still in negotiations with the unions.

Comment [c1]: Active Litigation

Motion: by Selectman Kurland, to adjourn the Executive Session. Seconded by Selectman Scanlon.

Roll Call Vote:

Selectman Scanlon: Aye

Selectman Dahlberg: Aye

Chairman Dixon: Aye

Selectman Kurland: Aye

Selectman Hanson: Aye

Motion carries, unanimous.

Next Regular Meeting: July 12, 2010

Executive Session adjourned at 10:01 PM.

Respectfully Submitted,

Matthew Hanson

Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

**Executive Session MINUTES
July 12, 2010**

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Matt Hanson, Clerk
Sean Scanlon, Selectman
Jon Kurland, Selectman

Paul Cohen, Town Manager

Chairman Dixon called the Executive Session to order at 9:15 PM.

Paul Cohen gave an update regarding the police union contracts. He noted that the patrol union and the officers union were reviewing the final language of their contracts.

Chief Murphy drafted the physical fitness requirements that will affect current and future officers. This was done with police union input and reviewing the State Police standards. This was done to help to ensure that the fitness requirements were similar to the requirements of the job. Mr. Cohen sent out the drafts on the previous Thursday.

Mr. Cohen met with the Superintendent of schools, the school business manager and Evelyn Thoren to discuss the school union contract. The School Department was unsuccessful at creating a new contract with the unions.

Motion: by Selectman Dahlberg, to adjourn the Executive Session. Seconded by Selectman Hanson.

Roll Call Vote:

Selectman Scanlon: Aye
Selectman Dahlberg: Aye
Chairman Dixon: Aye
Selectman Kurland: Aye
Selectman Hanson: Aye

Motion carries, unanimous.

Next Regular Meeting: July 26, 2010

Executive Session adjourned at 10:00 PM.

Respectfully Submitted,

Matthew Hanson
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

**Executive Session MINUTES
July 26, 2010**

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Matt Hanson, Clerk
Sean Scanlon, Selectman
Jon Kurland, Selectman

Paul Cohen, Town Manager

Chairman Dixon called the Executive Session to order at 8:50 PM.

Mr. Cohen noted that the negotiations to purchase the building on Alpha Road were not going well. The owner did not want to sell for less than 3.1 million dollars but the town had multiple appraisals all at or below 2.4 million dollars. The town is doing a title check on the property and considering acquiring the property through eminent domain. The buyer finally said that the building might be worth 2.75 million dollars and the town offered no more than 10% above the appraised value. The purpose of offering up to 10% above the appraised value would be to avoid litigation costs.

The town is hoping for an offer of 2.6 million dollars but if that does not come, the order of taking will be placed in August. The Corye family owns abutting parcels that they would be willing to gift to the town because of the tax write off. This will save the town 100 thousand dollars.

Mr. Cohen believes that the Patrol and Superior Officer Unions signed their contracts today. The town was successful in acquiring most of the give-backs they were seeking including fitness standards, drug and alcohol testing, and a Health Insurance giveback. The drug and alcohol tests were based off of the Department of Transportation standards.

Selectman Dahlberg motioned to approve the agreement that the town manager struck with the two police unions. Selectman Kurland seconded the motion.

Roll Call:

Selectman Kurland: Aye

Selectman Hanson: Aye

Selectman Dahlberg: Aye

Selectman Dixon: Aye

Motion: by Selectman Kurland, to adjourn the Executive Session. Seconded by Selectman Scanlon.

Roll Call Vote:

Chairman Dixon: Aye

Selectman Kurland: Aye

Selectman Hanson: Aye

Motion carries, unanimous.

Next Regular Meeting: August 9, 2010

Executive Session adjourned at 10:40 PM.

Respectfully Submitted,

Matthew Hanson

Clerk

**Executive Session Meeting MINUTES
August 23, 2010**

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Jon Kurland, Selectman
Matt Hanson, Clerk

Paul Cohen, Town Manager
Atty. John Georgio, Kopelman & Paige
Atty. Patricia Cantor, Kopelman & Paige

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Rd., Chelmsford, Mass. This meeting was not recorded.

Chairman Dixon called the meeting at 6:35PM, for the purpose of discussing strategy with respect to Collective Bargaining-Library Contract, strategy with respect to litigation concerning 9 North Rd., and consideration for the purchase of Alpha Road and Tracy Road Parcels for the new DPW Facility.

Motion: by Selectman Kurland to enter Executive Session at 6:35PM. Roll Call Vote:

Selectman Dahlberg: Aye
Selectman Kurland: Aye
Selectman Hanson: Aye
Selectman Dixon: Aye

Scheduled Business

Mr. Cohen provided the documents for the taking of the Alpha Rd. and Tracy Rd. parcels for the appropriate signatures. Final figures for taxes due will be compiled by the closing attorney. The sellers were claiming an abatement for \$12,000.00 was pending, but there is no record of this with the Assessor's office.

Town Meeting acceptance for 14 donated parcels of land will be required. The parcels were originally donated in 1974, but never formally accepted. One parcel has potential as a future location for a cell tower or billboard, as it is not near any residences.

There are no apparent issues with finalizing the Library employees' collective bargaining contract. Meetings are continuing with the Firefighters, Clerks and Dispatchers' unions. Funding for the contracts will come from the Town's tax levy.

There are 18 articles to date for the Fall Town Meeting Warrant, which the Selectmen will sign at their next regular meeting.

Mr. Cohen announced he is meeting with Richard Day to discuss permitting issues involved with moving the Food Pantry into a modular unit while the Center Town Hall is rehabilitated.

Selectman Dahlberg left this meeting at 6:40PM.

Comment [c1]: Active Litigation

Motion: by Selectman Hanson to end the Executive Session at 7:25PM.

Roll Call Vote:

Selectman Kurland: Aye

Selectman Hanson: Aye

Selectman Dixon: Aye

Respectfully Submitted,

Vivian W. Merrill, Recording Secretary

Board of Selectmen
August 23, 2010
Executive Session

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

**Executive Session MINUTES
September 27th, 2010**

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Matt Hanson, Clerk
Jon Kurland, Selectman

Paul Cohen, Town Manager

Chairman Dixon called the Executive Session to order at 8:35 PM.

Mr. Cohen announced that 8 out of 9 town unions had agreed to a contract. The clerical union was the only one left. Two unions have 1 yr agreements. Dispatch went from an 11 step to a 6 step compensation schedule. The shift schedule differential went up from 50 cents to one dollar per hour. Five major holidays will be paid at time and a half pay. They also agreed to the health insurance plan changes.

Mr. Cohen met 3 times with fire fighters union since the last Board of Selectmen meeting. They met for five hours last Friday and wrapped negotiations with John Kivlan today. Fire fighters will have a three year contract. They wanted to delete provision that fire fighters need to live within 10 miles of town. Grievance procedure changed from 10 days to 20 days. This was not inconsistent with police unions. They agreed to a 2%, 0%, 3 % increase in fiscal years 10, 11, and 12. They also agreed to a prorated clothing allowance and having their first uniform provided.

This will address public safety contracts for the next 3 years.

A new deputy chief will be announced next week.

It was noted that we should have speakers for and against the repeal of the sales tax ballot initiatives speak for 10 minutes at our next meeting.

Westford is looking for the town to give 75 thousand dollars for shared litigation costs on a project near the Chelmsford boarder. They will still go forward with the litigation whether Chelmsford donates the money or not. There is no past precedent where Westford has given us money for litigation costs so the town shouldn't feel obligated.

Selectman Dahlberg made a motion to send a denial letter to the Westford Town Manager for the 75 thousand dollars in litigation costs. Selectman Kurland seconded the motion.

Roll Call:

Selectman Kurland- Aye
Selectman Hanson- Aye
Selectman Dixon- Aye
Selectman Dahlberg- Aye

Motion: by Selectman Dahlberg to adjourn the Executive Session. Seconded by Selectman Kurland.

Roll Call Vote:

Chairman Dixon: Aye
Selectman Kurland: Aye
Selectman Hanson: Aye
Selectman Dahlberg- Aye

Motion carries, unanimous.

Next Regular Meeting: October 4, 2010

Executive Session adjourned at 9:15 PM.

Respectfully Submitted,

Matthew Hanson
Clerk

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

**Executive Session MINUTES
October 25, 2010**

Attending:

George Dixon, Jr., Chairman
Eric Dahlberg, Vice Chair
Matt Hanson, Clerk
Jon Kurland, Selectman

Paul Cohen, Town Manager

Chairman Dixon called the Executive Session to order at 10:15 PM.

Mr. Cohen informed the Board that regarding the 187,000 dollars in excess profits for Locke Development, the defendants have declared bankruptcy. There is still one claim left regarding fraudulent conveyance of property.

The town is looking to settle with them for 19,000 dollars and the town has only spent 17,000 dollars in litigation costs.

Selectman Dahlberg motioned to accept the Settlement agreement regarding the Locke rd development. Seconded by Selectman Kurland.

Roll Call:

Selectman Kurland- Aye
Selectman Hanson- Aye
Selectman Dixon- Aye
Selectman Dahlberg- Aye

Motion: by Selectman Dahlberg to adjourn the Executive Session. Seconded by Selectman Kurland.

Roll Call Vote:

Chairman Dixon: Aye
Selectman Kurland: Aye
Selectman Hanson: Aye
Selectman Dahlberg- Aye

Motion carries, unanimous.

Next Regular Meeting: November 8, 2010

Executive Session adjourned at 10:25 PM.

Respectfully Submitted,

Matthew Hanson
Clerk